

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 50

FINAL READING

Introduced by Wayne, 13; Geist, 25; Holdcroft, 36; DeKay, 40; Ibach, 44.

Read first time January 05, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to the administration of justice; to amend
2 sections 24-1302, 27-902, 28-518, 29-2221, 29-2263, 29-2269,
3 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280, 43-4505,
4 50-434, 69-2426, 69-2432, 71-1902, 71-5661, 71-5662, 71-5663,
5 71-5665, 71-5666, 71-5669.01, 81-1850, 83-1,110, and 83-1,127,
6 Reissue Revised Statutes of Nebraska, and sections 27-803, 28-470,
7 29-2252, 29-2261, 29-2262, 38-2136, 43-2,108, 43-1311.03, 43-4502,
8 43-4504, 43-4508, 43-4510, 43-4511.01, 43-4514, 71-5668, 83-109,
9 83-173, 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01,
10 83-1,135, and 83-1,135.02, Revised Statutes Cumulative Supplement,
11 2022; to change provisions regarding problem solving courts and
12 restate legislative intent regarding appropriations; to create pilot
13 programs relating to virtual behavioral health services, probation,
14 and parole; to change and provide duties for courts, the State Court
15 Administrator, the probation administrator, the Nebraska Commission
16 on Law Enforcement and Criminal Justice, the Division of Parole
17 Supervision, the Board of Parole, the Department of Correctional
18 Services, the Director of Correctional Services, and the Board of
19 Pardons; to change provisions of the Nebraska Evidence Rules
20 relating to hearsay and self-authenticating items of evidence; to
21 change provisions relating to immunity for administration of
22 naloxone, theft, the habitual criminal enhancement, presentence

1 investigation reports and related materials, set asides,
2 restitution, appointment of counsel in certain proceedings, and
3 actions for postconviction relief; to provide for access to certain
4 information relating to probationers, juveniles, and parolees to law
5 enforcement agencies; to create the Nebraska Sentencing Reform Task
6 Force; to change provisions relating to the duty of confidentiality
7 for certain mental health practitioners; to provide for answers of
8 no contest in adjudication hearings under the Nebraska Juvenile
9 Code; to change provisions relating to a written independent living
10 transition proposal as prescribed; to change provisions of the Young
11 Adult Bridge to Independence Act relating to legislative intent,
12 eligibility, extended services and support, court appointed
13 representation, and powers and duties of the Department of Health
14 and Human Services; to terminate the Committee on Justice
15 Reinvestment Oversight; to require dissemination of information
16 regarding suicide prevention to purchasers of firearms and require
17 suicide prevention training in handgun training and safety courses;
18 to change provisions of the Rural Health Systems and Professional
19 Incentive Act; to change provisions relating to notification of
20 crime victims; to change provisions relating to parole and provide
21 for geriatric parole and streamlined parole contracts; to change and
22 provide definitions; to provide for applicability; to require the
23 Department of Correctional Services to provide employees with
24 protective vests; to harmonize provisions; and to repeal the
25 original sections.

26 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-1302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 24-1302 (1) For purposes of this section, problem solving court
4 means a drug, veterans, mental health, driving under the influence,
5 reentry, young adult, or other problem solving court.

6 (2) A district, county, or juvenile court may establish a problem
7 solving court, subject to the Supreme Court's rules. A problem solving
8 court shall function within the existing structure of the court system.
9 The goals of a problem solving court shall be consistent with any
10 relevant standards adopted by the United States Department of Justice and
11 the National Association of Drug Court Professionals, as such standards
12 existed on January 1, 2023.

13 (3) An individual may participate in a problem solving court as a
14 condition of probation, as a sentence imposed by a court, or as otherwise
15 provided by the Supreme Court's rules.

16 (4) ~~Problem (1) Drug, veterans, mental health, driving under the~~
17 ~~influence, reentry, and other problem solving courts shall be subject to~~
18 ~~rules which shall be promulgated by the Supreme Court for procedures to~~
19 ~~be implemented in the administration of such courts.~~

20 (5) ~~(2) It is the intent of the Legislature that funds be~~
21 ~~appropriated separately to the Supreme Court such that each judicial~~
22 ~~district may operate at least one drug, veterans, mental health, driving~~
23 ~~under the influence, reentry, and young adult problem solving court. The~~
24 ~~State Court Administrator shall ensure that each judicial district has at~~
25 ~~least one of such courts by January 1, 2024 for each of the problem~~
26 ~~solving courts to carry out this section and section 24-1301.~~

27 (6) The State Court Administrator shall track and evaluate outcomes
28 of problem solving courts. On or before June 1, 2024, and on or before
29 each June 1 thereafter, the State Court Administrator shall
30 electronically submit a report to the Legislature regarding the impact of
31 problem solving courts on recidivism rates in the state. The report shall

1 also include rates of return to court and program completion. The report
2 shall identify judicial districts that are underserved by problem solving
3 courts and what services or funding are needed to properly serve such
4 districts.

5 Sec. 2. (1) The State Court Administrator shall create a pilot
6 program to utilize physical space and information technology resources
7 within Nebraska courthouses to serve as points of access for virtual
8 behavioral health services for court-involved individuals.

9 (2) The pilot program shall be limited to a single probation
10 district. Such district shall be chosen by the State Court Administrator
11 in consultation with the probation administrator.

12 (3) The purpose of the program is to provide access to safe,
13 confidential, and reliable behavioral health treatment via telehealth for
14 individuals involved with the criminal justice system, either as
15 defendants, probationers, or victims in a criminal proceeding.

16 (4) On or before June 1, 2024, the State Court Administrator shall
17 electronically submit a report to the Judiciary Committee of the
18 Legislature regarding the pilot program.

19 Sec. 3. Section 27-803, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 27-803 Subject to the provisions of section 27-403, the following
22 are not excluded by the hearsay rule, even though the declarant is
23 available as a witness:

24 (1) A statement describing or explaining an event or condition, made
25 while or immediately after the declarant perceived it;

26 (2) A statement relating to a startling event or condition made
27 while the declarant was under the stress of excitement caused by the
28 event or condition;

29 (3) A statement of the declarant's then existing state of mind,
30 emotion, sensation, or physical condition (such as intent, plan, motive,
31 design, mental feeling, pain, and bodily health), but not including a

1 statement of memory or belief to prove the fact remembered or believed
2 unless it relates to the execution, revocation, identification, or terms
3 of declarant's will;

4 (4) Statements made for purposes of medical diagnosis or treatment
5 and describing medical history, or past or present symptoms, pain, or
6 sensations, or the inception or general character of the cause or
7 external source thereof insofar as reasonably pertinent to diagnosis or
8 treatment;

9 (5) A memorandum or record concerning a matter about which a witness
10 once had knowledge but now has insufficient recollection to enable him or
11 her to testify fully and accurately, shown to have been made or adopted
12 by the witness when the matter was fresh in his or her memory and to
13 reflect that knowledge correctly. If admitted, the memorandum or record
14 may be read into evidence but may not itself be received as an exhibit
15 unless offered by an adverse party;

16 (6)(a) A memorandum, report, record, or data compilation, in any
17 form, of acts, events, or conditions, other than opinions or diagnoses,
18 made at or near the time of such acts, events, or conditions, in the
19 course of a regularly conducted activity, if it was the regular course of
20 such activity to make such memorandum, report, record, or data
21 compilation at the time of such act, event, or condition, or within a
22 reasonable time thereafter, as shown by the testimony of the custodian or
23 other qualified witness or by a certification that complies with
24 subdivision (11) or (12) of section 27-902 or with a statute permitting
25 certification, unless the source of information or method or
26 circumstances of preparation indicate lack of trustworthiness. The
27 circumstances of the making of such memorandum, report, record, or data
28 compilation, including lack of personal knowledge by the entrant or
29 maker, may be shown to affect its weight.

30 (b) A memorandum, report, record, or data compilation, in any form,
31 of acts, events, or conditions, other than opinions or diagnoses, that

1 was received or acquired in the regular course of business by an entity
2 from another entity and has been incorporated into and kept in the
3 regular course of business of the receiving or acquiring entity; that the
4 receiving or acquiring entity typically relies upon the accuracy of the
5 contents of the memorandum, report, record, or data compilation; and that
6 the circumstances otherwise indicate the trustworthiness of the
7 memorandum, report, record, or data compilation, as shown by the
8 testimony of the custodian or other qualified witness. Subdivision (6)(b)
9 of this section shall not apply in any criminal proceeding;

10 (7) Evidence that a matter is not included in the memoranda,
11 reports, records, or data compilations, in any form, kept in accordance
12 with the provisions of subdivision (6) of this section to prove the
13 nonoccurrence or nonexistence of the matter, if the matter was of a kind
14 of which a memorandum, report, record, or data compilation was regularly
15 made and preserved, unless the sources of information or other
16 circumstances indicate a lack of trustworthiness;

17 (8) Upon reasonable notice to the opposing party prior to trial,
18 records, reports, statements, or data compilations made by a public
19 official or agency of facts required to be observed and recorded pursuant
20 to a duty imposed by law, unless the sources of information or the method
21 or circumstances of the investigation are shown by the opposing party to
22 indicate a lack of trustworthiness;

23 (9) Records or data compilations, in any form, of births, fetal
24 deaths, deaths, or marriages, if the report thereof was made to a public
25 office pursuant to requirements of law;

26 (10) To prove the absence of a record, report, statement, or data
27 compilation, in any form, or the nonoccurrence or nonexistence of a
28 matter of which a record, report, statement, or data compilation, in any
29 form, was regularly made and preserved by a public office or agency,
30 evidence in the form of a certification in accordance with section
31 27-902, or testimony, that diligent search failed to disclose the record,

1 report, statement, or data compilation or entry;

2 (11) Statements of births, marriages, divorces, deaths, legitimacy,
3 ancestry, relationship by blood or marriage, or other similar facts of
4 personal or family history, contained in a regularly kept record of a
5 religious organization;

6 (12) Statements of fact contained in a certificate that the maker
7 performed a marriage or other ceremony or administered a sacrament, made
8 by a member of the clergy, public official, or other person authorized by
9 the rules or practices of a religious organization or by law to perform
10 the act certified, and purporting to have been issued at the time of the
11 act or within a reasonable time thereafter;

12 (13) Statements of births, marriages, divorces, deaths, legitimacy,
13 ancestry, relationship by blood or marriage, or other similar facts of
14 personal or family history contained in family Bibles, genealogies,
15 charts, engravings on rings, inscriptions on family portraits, engravings
16 on urns, crypts, or tombstones or the like;

17 (14) The record of a document purporting to establish or affect an
18 interest in property, as proof of the content of the original recorded
19 document and its execution and delivery by each person by whom it
20 purports to have been executed, if the record is a record of a public
21 office and an applicable statute authorized the recording of documents of
22 that kind in that office;

23 (15) A statement contained in a document purporting to establish or
24 affect an interest in property if the matter stated was relevant to the
25 purpose of the document, unless dealings with the property since the
26 document was made have been inconsistent with the truth of the statement
27 or the purport of the document;

28 (16) Statements in a document in existence thirty years or more
29 whose authenticity is established;

30 (17) Market quotations, tabulations, lists, directories, or other
31 published compilations, generally used and relied upon by the public or

1 by persons in particular occupations;

2 (18) Statements contained in published treatises, periodicals, or
3 pamphlets on a subject of history, medicine, or other science or art,
4 established as a reliable authority by the testimony or admission of the
5 witness or by other expert testimony or by judicial notice, to the extent
6 called to the attention of an expert witness upon cross-examination or
7 relied upon by the expert witness in direct examination. If admitted, the
8 statements may be read into evidence but may not be received as exhibits;

9 (19) Reputation among members of his or her family by blood,
10 adoption, or marriage, or among his or her associates, or in the
11 community, concerning a person's birth, adoption, marriage, divorce,
12 death, legitimacy, relationship by blood, adoption, or marriage,
13 ancestry, or other similar fact of his or her personal or family history;

14 (20) Reputation in a community, arising before the controversy, as
15 to boundaries of or customs affecting lands in the community, and
16 reputation as to events of general history important to the community or
17 state or nation in which located;

18 (21) Reputation of a person's character among his or her associates
19 or in the community;

20 (22) Evidence of a final judgment, entered after a trial or upon a
21 plea of guilty (but not upon a plea of nolo contendere), adjudging a
22 person guilty of a crime punishable by death or imprisonment in excess of
23 one year, to prove any fact essential to sustain the judgment, but not
24 including, when offered by the government in a criminal prosecution for
25 purposes other than impeachment, judgments against a person other than
26 the accused. The pendency of an appeal may be shown but does not affect
27 admissibility;

28 (23) Judgments as proof of matters of personal, family, or general
29 history, or boundaries, essential to the judgment, if the same would be
30 provable by evidence of reputation; and

31 (24) A statement not specifically covered by any of the foregoing

1 exceptions but having equivalent circumstantial guarantees of
2 trustworthiness, if the court determines that (a) the statement is
3 offered as evidence of a material fact, (b) the statement is more
4 probative on the point for which it is offered than any other evidence
5 which the proponent can procure through reasonable efforts, and (c) the
6 general purposes of these rules and the interests of justice will best be
7 served by admission of the statement into evidence. A statement may not
8 be admitted under this exception unless the proponent of it makes known
9 to the adverse party, sufficiently in advance of the trial or hearing to
10 provide the adverse party with a fair opportunity to prepare to meet it,
11 his or her intention to offer the statement and the particulars of it,
12 including the name and address of the declarant.

13 Sec. 4. Section 27-902, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 27-902 Extrinsic evidence of authenticity as a condition precedent
16 to admissibility is not required with respect to the following:

17 (1) A document bearing a seal purporting to be that of the United
18 States, or of any state, district, commonwealth, territory, or insular
19 possession thereof, or the Panama Canal Zone or the Trust Territory of
20 the Pacific Islands, or of a political subdivision, department, officer,
21 or agency thereof, and a signature purporting to be an attestation or
22 execution;

23 (2) A document purporting to bear the signature in his or her
24 official capacity of an officer or employee of any entity included in
25 subdivision (1) of this section, having no seal, if a public officer
26 having a seal and having official duties in the district or political
27 subdivision of the officer or employee certifies under seal that the
28 signer has the official capacity and that the signature is genuine;

29 (3) A document purporting to be executed or attested in his or her
30 official capacity by a person authorized by the laws of a foreign country
31 to make the execution or attestation, and accompanied by a final

1 certification as to the genuineness of the signature and official
2 position (a) of the executing or attesting person, or (b) of any foreign
3 official whose certificate of genuineness of signature and official
4 position relates to the execution or attestation or is in a chain of
5 certificates of genuineness of signature and official position relating
6 to the execution or attestation. A final certification may be made by a
7 secretary of embassy or legation, consul general, consul, vice consul, or
8 consular agent of the United States, or a diplomatic or consular official
9 of the foreign country assigned or accredited to the United States. If
10 reasonable opportunity has been given to all parties to investigate the
11 authenticity and accuracy of official documents, the judge may, for good
12 cause shown, order that they be treated as presumptively authentic
13 without final certification or permit them to be evidenced by an attested
14 summary with or without final certification;

15 (4) A copy of an official record or report or entry therein, or of a
16 document authorized by law to be recorded or filed and actually recorded
17 or filed in a public office, including data compilations in any form,
18 certified as correct by the custodian or other person authorized to make
19 the certification, by certificate complying with subdivision (1), (2), or
20 (3) of this section or complying with any Act of Congress or the
21 Legislature or rule adopted by the Supreme Court of Nebraska which are
22 not in conflict with laws governing such matters;

23 (5) Books, pamphlets, or other publications purporting to be issued
24 by public authority;

25 (6) Printed materials purporting to be newspapers or periodicals;

26 (7) Inscriptions, signs, tags, or labels purporting to have been
27 affixed in the course of business and indicating ownership, control, or
28 origin;

29 (8) Documents accompanied by a certificate of acknowledgment
30 executed in the manner provided by law by a notary public or other
31 officer authorized by law to take acknowledgments;

1 (9) Commercial paper, signatures thereon, and documents relating
2 thereto to the extent provided by general commercial law; ~~or~~

3 (10) Any signature, document, or other matter declared by Act of
4 Congress and the laws of the State of Nebraska to be presumptively or
5 prima facie genuine or authentic; ~~or~~

6 (11)(a) The original or a copy of a domestic record that meets the
7 requirements of subdivision (6) of section 27-803, as shown by a
8 certification of the custodian or another qualified person.

9 (b) Before the trial or hearing, the proponent must give an adverse
10 party reasonable written notice of the intent to offer the record and
11 must make the record and certification available for inspection so that
12 the party has a fair opportunity to challenge them on the ground that the
13 sources of information or the method or circumstances of preparation
14 indicate a lack of trustworthiness;

15 (12) In a civil case, the original or a copy of a foreign record
16 that meets the requirements of subdivision (11)(a) of this section,
17 modified as follows: The certification must be signed in a manner that,
18 if falsely made, would subject the maker to a criminal penalty in the
19 country where the certification is signed. The proponent must also meet
20 the notice requirements of subdivision (11)(b) of this section;

21 (13) A record generated by an electronic process or system that
22 produces an accurate result, as shown by a certification of a qualified
23 person that complies with the certification requirements of subdivision
24 (11)(a) or (12) of this section. The proponent must also meet the notice
25 requirements of subdivision (11)(b) of this section; or

26 (14) Data copied from an electronic device, storage medium, or file,
27 if authenticated by a process of digital identification, as shown by a
28 certification of a qualified person that complies with the certification
29 requirements of subdivision (11)(a) or (12) of this section. The
30 proponent must also meet the notice requirements of subdivision (11)(b)
31 of this section.

1 Sec. 5. Section 28-470, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 28-470 (1) A health professional who is authorized to prescribe or
4 dispense naloxone, if acting with reasonable care, may prescribe,
5 administer, or dispense naloxone to any of the following persons without
6 being subject to administrative action or criminal prosecution:

7 (a) A person who is apparently experiencing or who is likely to
8 experience an opioid-related overdose; or

9 (b) A family member, friend, or other person in a position to assist
10 a person who is apparently experiencing or who is likely to experience an
11 opioid-related overdose.

12 (2) A family member, friend, or other person, including school
13 personnel, who is in a position to assist a person who is apparently
14 experiencing or who is likely to experience an opioid-related overdose,
15 other than an emergency responder or peace officer, is not subject to
16 actions under the Uniform Credentialing Act, administrative action, or
17 criminal prosecution if the person, acting in good faith, obtains
18 naloxone from a health professional or a prescription for naloxone from a
19 health professional and administers the naloxone obtained from the health
20 professional or acquired pursuant to the prescription to a person who is
21 apparently experiencing an opioid-related overdose.

22 (3) An emergency responder who, acting in good faith, obtains
23 naloxone from the emergency responder's emergency medical service
24 organization and administers the naloxone to a person who is apparently
25 experiencing an opioid-related overdose shall not be:

26 (a) Subject to administrative action or criminal prosecution; or

27 (b) Personally liable in any civil action to respond in damages as a
28 result of his or her acts of commission or omission arising out of and in
29 the course of his or her rendering such care or services or arising out
30 of his or her failure to act to provide or arrange for further medical
31 treatment or care for the person who is apparently experiencing an

1 opioid-related overdose, unless the emergency responder caused damage or
2 injury by his or her willful, wanton, or grossly negligent act of
3 commission or omission. This subdivision shall not affect the liability
4 of such emergency medical service organization for the emergency
5 responder's acts of commission or omission.

6 (4) A peace officer or law enforcement employee who, acting in good
7 faith, obtains naloxone from the peace officer's or employee's law
8 enforcement agency and administers the naloxone to a person who is
9 apparently experiencing an opioid-related overdose shall not be:

10 (a) Subject to administrative action or criminal prosecution; or

11 (b) Personally liable in any civil action to respond in damages as a
12 result of his or her acts of commission or omission arising out of and in
13 the course of his or her rendering such care or services or arising out
14 of his or her failure to act to provide or arrange for further medical
15 treatment or care for the person who is apparently experiencing an
16 opioid-related overdose, unless the peace officer or employee caused
17 damage or injury by his or her willful, wanton, or grossly negligent act
18 of commission or omission. This subdivision shall not affect the
19 liability of such law enforcement agency for the peace officer's or
20 employee's acts of commission or omission.

21 (5) For purposes of this section:

22 (a) Administer has the same meaning as in section 38-2806;

23 (b) Dispense has the same meaning as in section 38-2817;

24 (c) Emergency responder means an emergency medical responder, an
25 emergency medical technician, an advanced emergency medical technician,
26 or a paramedic licensed under the Emergency Medical Services Practice Act
27 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

28 (d) Health professional means a physician, physician assistant,
29 nurse practitioner, or pharmacist licensed under the Uniform
30 Credentialing Act;

31 (e) Law enforcement agency means a police department, a town

1 marshal, the office of sheriff, or the Nebraska State Patrol;

2 (f) Law enforcement employee means an employee of a law enforcement
3 agency, a contractor of a law enforcement agency, or an employee of such
4 contractor who regularly, as part of his or her duties, handles,
5 processes, or is likely to come into contact with any evidence or
6 property which may include or contain opioids;

7 (g) Naloxone means naloxone hydrochloride; and

8 (h) Peace officer has the same meaning as in section 49-801.

9 Sec. 6. Section 28-518, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 28-518 (1) Theft constitutes a Class IIA felony when the value of
12 the thing involved is five thousand dollars or more.

13 (2) Theft constitutes a Class IV felony when the value of the thing
14 involved is one thousand five hundred dollars or more but less than five
15 thousand dollars.

16 (3) Theft constitutes a Class I misdemeanor when the value of the
17 thing involved is more than five hundred dollars but less than one
18 thousand five hundred dollars.

19 (4) Theft constitutes a Class II misdemeanor when the value of the
20 thing involved is five hundred dollars or less.

21 (5) For any second or subsequent conviction under subsection (3) of
22 this section, any person so offending shall be guilty of a Class IV
23 felony.

24 (6) For any second conviction under subsection (4) of this section,
25 any person so offending shall be guilty of a Class I misdemeanor, and for
26 any third or subsequent conviction under subsection (4) of this section,
27 the person so offending shall be guilty of a Class IV felony.

28 (7) For a prior conviction to be used to enhance the penalty under
29 subsection (5) or (6) of this section, the prior conviction must have
30 occurred no more than ten years prior to the date of commission of the
31 current offense.

1 (8) ~~(7)~~ Amounts taken pursuant to one scheme or course of conduct
2 from one or more persons may be aggregated in the indictment or
3 information in determining the classification of the offense, except that
4 amounts may not be aggregated into more than one offense.

5 (9) ~~(8)~~ In any prosecution for theft under sections 28-509 to
6 28-518, value shall be an essential element of the offense that must be
7 proved beyond a reasonable doubt.

8 Sec. 7. Section 29-2221, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
11 and committed to prison, in this or any other state or by the United
12 States or once in this state and once at least in any other state or by
13 the United States, for terms of not less than one year each shall, upon
14 conviction of a felony committed in this state, be deemed to be a
15 habitual criminal and shall be punished by imprisonment in a Department
16 of Correctional Services adult correctional facility for a mandatory
17 minimum term of ten years and a maximum term of not more than sixty
18 years, except that:

19 (a) If the felony committed is in violation of section 28-303,
20 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,
21 and at least one of the habitual criminal's prior felony convictions was
22 for a violation of one of the sections listed in this subdivision or of a
23 similar statute in another state or of the United States, the mandatory
24 minimum term shall be twenty-five years and the maximum term not more
25 than sixty years;

26 (b) If the felony committed is in violation of subsection (3) of
27 section 28-306 and at least one of the prior convictions is in violation
28 of subsection (3) of section 28-306 and the other is in violation of one
29 of the sections set forth in subdivision (a) of this subsection or if the
30 felony committed is in violation of one of the sections set forth in
31 subdivision (a) of this subsection and both of the prior convictions are

1 in violation of subsection (3) of section 28-306, the mandatory minimum
2 term shall be twenty-five years and the maximum term not more than sixty
3 years;~~and~~

4 (c) If the felony committed and at least one of the prior felony
5 convictions do not involve sexual contact, sexual penetration, the threat
6 to inflict serious bodily injury or death on another person, the
7 infliction of serious bodily injury on another person, a deadly or
8 dangerous weapon, or a firearm, the mandatory minimum term shall be three
9 years and the maximum term not more than the maximum term for the felony
10 committed or twenty years, whichever is greater. For this subdivision (1)
11 (c) to apply, no prior felony conviction may be a violation described in
12 subdivision (1)(a) of this section; and

13 (d) {e} If a greater punishment is otherwise provided by statute,
14 the law creating the greater punishment shall govern.

15 (2) When punishment of an accused as a habitual criminal is sought,
16 the facts with reference thereto shall be charged in the indictment or
17 information which contains the charge of the felony upon which the
18 accused is prosecuted, but the fact that the accused is charged with
19 being a habitual criminal shall not be an issue upon the trial of the
20 felony charge and shall not in any manner be disclosed to the jury. If
21 the accused is convicted of a felony, before sentence is imposed a
22 hearing shall be had before the court alone as to whether such person has
23 been previously convicted of prior felonies. The court shall fix a time
24 for the hearing and notice thereof shall be given to the accused at least
25 three days prior thereto. At the hearing, if the court finds from the
26 evidence submitted that the accused has been convicted two or more times
27 of felonies and sentences imposed therefor by the courts of this or any
28 other state or by the United States, the court shall sentence such person
29 so convicted as a habitual criminal.

30 (3) If the person so convicted shows to the satisfaction of the
31 court before which the conviction was had that he or she was released

1 from imprisonment upon either of such sentences upon a pardon granted for
2 the reason that he or she was innocent, such conviction and sentence
3 shall not be considered as such under this section and section 29-2222.

4 Sec. 8. Section 29-2252, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 29-2252 The administrator shall:

7 (1) Supervise and administer the office;

8 (2) Establish and maintain policies, standards, and procedures for
9 the system, with the concurrence of the Supreme Court;

10 (3) Prescribe and furnish such forms for records and reports for the
11 system as shall be deemed necessary for uniformity, efficiency, and
12 statistical accuracy;

13 (4) Establish minimum qualifications for employment as a probation
14 officer in this state and establish and maintain such additional
15 qualifications as he or she deems appropriate for appointment to the
16 system. Qualifications for probation officers shall be established in
17 accordance with subsection (4) of section 29-2253. An ex-offender
18 released from a penal complex or a county jail may be appointed to a
19 position of deputy probation or parole officer. Such ex-offender shall
20 maintain a record free of arrests, except for minor traffic violations,
21 for one year immediately preceding his or her appointment;

22 (5) Establish and maintain advanced periodic inservice training
23 requirements for the system;

24 (6) Cooperate with all agencies, public or private, which are
25 concerned with treatment or welfare of persons on probation. All
26 information provided to the Nebraska Commission on Law Enforcement and
27 Criminal Justice for the purpose of providing access to such information
28 to law enforcement agencies through the state's criminal justice
29 information system shall be provided in a manner that allows such
30 information to be readily accessible through the main interface of the
31 system;

1 (7) Organize and conduct training programs for probation officers.
2 Training shall include the proper use of a risk and needs assessment,
3 risk-based supervision strategies, relationship skills, cognitive
4 behavioral interventions, community-based resources, criminal risk
5 factors, and targeting criminal risk factors to reduce recidivism and the
6 proper use of a matrix of administrative sanctions, custodial sanctions,
7 and rewards developed pursuant to subdivision (18) of this section. All
8 probation officers employed on or after August 30, 2015, shall complete
9 the training requirements set forth in this subdivision;

10 (8) Collect, develop, and maintain statistical information
11 concerning probationers, probation practices, and the operation of the
12 system and provide the Community Corrections Division of the Nebraska
13 Commission on Law Enforcement and Criminal Justice with the information
14 needed to compile the report required in section 47-624;

15 (9) Interpret the probation program to the public with a view toward
16 developing a broad base of public support;

17 (10) Conduct research for the purpose of evaluating and improving
18 the effectiveness of the system. Subject to the availability of funding,
19 the administrator shall contract with an independent contractor or
20 academic institution for evaluation of existing community corrections
21 facilities and programs operated by the office;

22 (11) Adopt and promulgate such rules and regulations as may be
23 necessary or proper for the operation of the office or system. The
24 administrator shall adopt and promulgate rules and regulations for
25 transitioning individuals on probation across levels of supervision and
26 discharging them from supervision consistent with evidence-based
27 practices. The rules and regulations shall ensure supervision resources
28 are prioritized for individuals who are high risk to reoffend, require
29 transitioning individuals down levels of supervision intensity based on
30 assessed risk and months of supervision without a reported major
31 violation, and establish incentives for earning discharge from

1 supervision based on compliance;

2 (12) Transmit a report during each even-numbered year to the Supreme
3 Court on the operation of the office for the preceding two calendar years
4 which shall include a historical analysis of probation officer workload,
5 including participation in non-probation-based programs and services. The
6 report shall be transmitted by the Supreme Court to the Governor and the
7 Clerk of the Legislature. The report submitted to the Clerk of the
8 Legislature shall be submitted electronically;

9 (13) Administer the payment by the state of all salaries, travel,
10 and expenses authorized under section 29-2259 incident to the conduct and
11 maintenance of the office;

12 (14) Use the funds provided under section 29-2262.07 to augment
13 operational or personnel costs associated with the development,
14 implementation, and evaluation of enhanced probation-based programs and
15 non-probation-based programs and services in which probation personnel or
16 probation resources are utilized pursuant to an interlocal agreement
17 authorized by subdivision (16) of this section and to purchase services
18 to provide such programs aimed at enhancing adult probationer or non-
19 probation-based program participant supervision in the community and
20 treatment needs of probationers and non-probation-based program
21 participants. Enhanced probation-based programs include, but are not
22 limited to, specialized units of supervision, related equipment purchases
23 and training, and programs that address a probationer's vocational,
24 educational, mental health, behavioral, or substance abuse treatment
25 needs;

26 (15) Ensure that any risk or needs assessment instrument utilized by
27 the system be periodically validated;

28 (16) Have the authority to enter into interlocal agreements in which
29 probation resources or probation personnel may be utilized in conjunction
30 with or as part of non-probation-based programs and services. Any such
31 interlocal agreement shall comply with section 29-2255;

1 (17) Collaborate with the Community Corrections Division of the
2 Nebraska Commission on Law Enforcement and Criminal Justice and the
3 Division of Parole Supervision to develop rules governing the
4 participation of parolees in community corrections programs operated by
5 the Office of Probation Administration;

6 (18) Develop a matrix of rewards for compliance and positive
7 behaviors and graduated administrative sanctions and custodial sanctions
8 for use in responding to and deterring substance abuse violations and
9 technical violations. As applicable under sections 29-2266.02 and
10 29-2266.03, custodial sanctions of up to thirty days in jail shall be
11 designated as the most severe response to a violation in lieu of
12 revocation and custodial sanctions of up to three days in jail shall be
13 designated as the second most severe response;

14 (19) Adopt and promulgate rules and regulations for the creation of
15 individualized post-release supervision plans, collaboratively with the
16 Department of Correctional Services and county jails, for probationers
17 sentenced to post-release supervision; and

18 (20) Exercise all powers and perform all duties necessary and proper
19 to carry out his or her responsibilities.

20 Each member of the Legislature shall receive an electronic copy of
21 the report required by subdivision (12) of this section by making a
22 request for it to the administrator.

23 Sec. 9. Section 29-2261, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 29-2261 (1) Unless it is impractical to do so, when an offender has
26 been convicted of a felony other than murder in the first degree, the
27 court shall not impose sentence without first ordering a presentence
28 investigation of the offender and according due consideration to a
29 written report of such investigation. When an offender has been convicted
30 of murder in the first degree and (a) a jury renders a verdict finding
31 the existence of one or more aggravating circumstances as provided in

1 section 29-2520 or (b)(i) the information contains a notice of
2 aggravation as provided in section 29-1603 and (ii) the offender waives
3 his or her right to a jury determination of the alleged aggravating
4 circumstances, the court shall not commence the sentencing determination
5 proceeding as provided in section 29-2521 without first ordering a
6 presentence investigation of the offender and according due consideration
7 to a written report of such investigation.

8 (2) A court may order a presentence investigation in any case,
9 except in cases in which an offender has been convicted of a Class IIIA
10 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
11 infraction, or any corresponding city or village ordinance.

12 (3) The presentence investigation and report shall include, when
13 available, an analysis of the circumstances attending the commission of
14 the crime, the offender's history of delinquency or criminality, physical
15 and mental condition, family situation and background, economic status,
16 education, occupation, and personal habits, and any other matters that
17 the probation officer deems relevant or the court directs to be included.
18 All local and state police agencies and Department of Correctional
19 Services adult correctional facilities shall furnish to the probation
20 officer copies of such criminal records, in any such case referred to the
21 probation officer by the court of proper jurisdiction, as the probation
22 officer shall require without cost to the court or the probation officer.

23 Such investigation shall also include:

24 (a) Any written statements submitted to the county attorney by a
25 victim; and

26 (b) Any written statements submitted to the probation officer by a
27 victim.

28 (4) If there are no written statements submitted to the probation
29 officer, he or she shall certify to the court that:

30 (a) He or she has attempted to contact the victim; and

31 (b) If he or she has contacted the victim, such officer offered to

1 accept the written statements of the victim or to reduce such victim's
2 oral statements to writing.

3 For purposes of subsections (3) and (4) of this section, the term
4 victim shall be as defined in section 29-119.

5 (5) Before imposing sentence, the court may order the offender to
6 submit to psychiatric observation and examination for a period of not
7 exceeding sixty days or such longer period as the court determines to be
8 necessary for that purpose. The offender may be remanded for this purpose
9 to any available clinic or mental hospital, or the court may appoint a
10 qualified psychiatrist to make the examination. The report of the
11 examination shall be submitted to the court.

12 (6)(a) Any presentence report, substance abuse evaluation, or
13 psychiatric examination shall be privileged and shall not be disclosed
14 directly or indirectly to anyone other than a judge; probation officers
15 to whom an offender's file is duly transferred; the probation
16 administrator or his or her designee; alcohol and drug counselors, mental
17 health practitioners, psychiatrists, and psychologists licensed or
18 certified under the Uniform Credentialing Act to conduct substance abuse
19 evaluations and treatment; or others entitled by law to receive such
20 information, including personnel and mental health professionals for the
21 Nebraska State Patrol specifically assigned to sex offender registration
22 and community notification for the sole purpose of using such report,
23 evaluation, or examination for assessing risk and for community
24 notification of registered sex offenders.

25 (b) For purposes of this subsection, mental health professional
26 means (i) a practicing physician licensed to practice medicine in this
27 state under the Medicine and Surgery Practice Act, (ii) a practicing
28 psychologist licensed to engage in the practice of psychology in this
29 state as provided in section 38-3111 or as provided under similar
30 provisions of the Psychology Interjurisdictional Compact, (iii) a
31 practicing mental health professional licensed or certified in this state

1 as provided in the Mental Health Practice Act, or (iv) a practicing
2 professional counselor holding a privilege to practice in Nebraska under
3 the Licensed Professional Counselors Interstate Compact.

4 (7) The court shall permit inspection of the presentence report,
5 substance abuse evaluation, or psychiatric examination or parts of the
6 report, evaluation, or examination, as determined by the court, by the
7 prosecuting attorney and defense counsel. ~~Such Beginning July 1, 2016,~~
8 ~~such~~ inspection shall be by electronic access only unless the court
9 determines such access is not available to the prosecuting attorney or
10 defense counsel. The State Court Administrator shall determine and
11 develop the means of electronic access to such presentence reports,
12 evaluations, and examinations. Upon application by the prosecuting
13 attorney or defense counsel, the court may order that addresses,
14 telephone numbers, and other contact information for victims or witnesses
15 named in the report, evaluation, or examination be redacted upon a
16 showing by a preponderance of the evidence that such redaction is
17 warranted in the interests of public safety. The court may permit
18 inspection of the presentence report, substance abuse evaluation, or
19 psychiatric examination or examination of parts of the report,
20 evaluation, or examination by any other person having a proper interest
21 therein whenever the court finds it is in the best interest of a
22 particular offender. The court may allow fair opportunity for an offender
23 to provide additional information for the court's consideration.

24 (8) If an offender is sentenced to imprisonment, a copy of the
25 report of any presentence investigation, substance abuse evaluation, or
26 psychiatric examination shall be transmitted immediately to the
27 Department of Correctional Services. Upon request, the department shall
28 provide a copy of the report to the Board of Parole, ~~or the Division of~~
29 Parole Supervision, and the Board of Pardons may receive a copy of the
30 report from the department.

31 (9) Notwithstanding subsections (6) and (7) of this section, the

1 Supreme Court or an agent of the Supreme Court acting under the direction
2 and supervision of the Chief Justice shall have access to psychiatric
3 examinations, substance abuse evaluations, and presentence investigations
4 and reports for research purposes. The Supreme Court and its agent shall
5 treat such information as confidential, and nothing identifying any
6 individual shall be released.

7 Sec. 10. Section 29-2262, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 29-2262 (1) When a court sentences an offender to probation, it
10 shall attach such reasonable conditions as it deems necessary or likely
11 to insure that the offender will lead a law-abiding life. No offender
12 shall be sentenced to probation if he or she is deemed to be a habitual
13 criminal pursuant to section 29-2221.

14 (2) The court may, as a condition of a sentence of probation,
15 require the offender:

16 (a) To refrain from unlawful conduct;

17 (b) To be confined periodically in the county jail or to return to
18 custody after specified hours but not to exceed the lesser of ninety days
19 or the maximum jail term provided by law for the offense;

20 (c) To meet his or her family responsibilities;

21 (d) To devote himself or herself to a specific employment or
22 occupation;

23 (e) To undergo medical or psychiatric treatment and to enter and
24 remain in a specified institution for such purpose;

25 (f) To pursue a prescribed secular course of study or vocational
26 training;

27 (g) To attend or reside in a facility established for the
28 instruction, recreation, or residence of persons on probation;

29 (h) To refrain from frequenting unlawful or disreputable places or
30 consorting with disreputable persons;

31 (i) To possess no firearm or other dangerous weapon if convicted of

1 a felony, or if convicted of any other offense, to possess no firearm or
2 other dangerous weapon unless granted written permission by the court;

3 (j) To remain within the jurisdiction of the court and to notify the
4 court or the probation officer of any change in his or her address or his
5 or her employment and to agree to waive extradition if found in another
6 jurisdiction;

7 (k) To report as directed to the court or a probation officer and to
8 permit the officer to visit his or her home;

9 (l) To pay a fine in one or more payments as ordered;

10 (m) To pay for tests to determine the presence of drugs or alcohol,
11 psychological evaluations, offender assessment screens, and
12 rehabilitative services required in the identification, evaluation, and
13 treatment of offenders if such offender has the financial ability to pay
14 for such services;

15 (n) To perform community service as outlined in sections 29-2277 to
16 29-2279 under the direction of his or her probation officer;

17 (o) To be monitored by an electronic surveillance device or system
18 and to pay the cost of such device or system if the offender has the
19 financial ability;

20 (p) To participate in a community correctional facility or program
21 as provided in the Community Corrections Act;

22 (q) To satisfy any other conditions reasonably related to the
23 rehabilitation of the offender;

24 (r) To make restitution as described in sections 29-2280 and
25 29-2281; or

26 (s) To pay for all costs imposed by the court, including court costs
27 and the fees imposed pursuant to section 29-2262.06.

28 (3) When jail time is imposed as a condition of probation under
29 subdivision (2)(b) of this section, the court shall advise the offender
30 on the record the time the offender will serve in jail assuming no good
31 time for which the offender will be eligible under section 47-502 is lost

1 and assuming none of the jail time imposed as a condition of probation is
2 waived by the court.

3 (4) Jail time may only be imposed as a condition of probation under
4 subdivision (2)(b) of this section if:

5 (a) The court would otherwise sentence the defendant to a term of
6 imprisonment instead of probation; and

7 (b) The court makes a finding on the record that, while probation is
8 appropriate, periodic confinement in the county jail as a condition of
9 probation is necessary because a sentence of probation without a period
10 of confinement would depreciate the seriousness of the offender's crime
11 or promote disrespect for law.

12 (5) In all cases in which the offender is guilty of violating
13 section 28-416, a condition of probation shall be mandatory treatment and
14 counseling as provided by such section.

15 (6) In all cases in which the offender is guilty of a crime covered
16 by the DNA Identification Information Act, a condition of probation shall
17 be the collecting of a DNA sample pursuant to the act and the paying of
18 all costs associated with the collection of the DNA sample prior to
19 release from probation.

20 (7) For any offender sentenced to probation, the court shall enter
21 an order to provide the offender's (a) name, (b) probation officer, and
22 (c) conditions of probation to the Nebraska Commission on Law Enforcement
23 and Criminal Justice which shall provide access to such information to
24 law enforcement agencies through the state's criminal justice information
25 system.

26 Sec. 11. Section 29-2263, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 29-2263 (1)(a) ~~(1)~~ Except as provided in subsection (2) of this
29 section, when a court has sentenced an offender to probation, the court
30 shall specify the term of such probation which shall be not more than
31 five years upon conviction of a felony or second offense misdemeanor and

1 two years upon conviction of a first offense misdemeanor.

2 (b) At sentencing, the court shall provide notice to the offender
3 that the offender may be eligible to have the conviction set aside as
4 provided in subsection (2) of section 29-2264 and shall provide
5 information on how to file such a petition. The State Court Administrator
6 shall develop standardized advisement language and any forms necessary to
7 carry out this subdivision.

8 (c) The court, on application of a probation officer or of the
9 probationer or on its own motion, may discharge a probationer at any
10 time.

11 (2) When a court has sentenced an offender to post-release
12 supervision, the court shall specify the term of such post-release
13 supervision as provided in section 28-105. The court, on application of a
14 probation officer or of the probationer or on its own motion, may
15 discharge a probationer at any time.

16 (3) During the term of probation, the court on application of a
17 probation officer or of the probationer, or its own motion, may modify or
18 eliminate any of the conditions imposed on the probationer or add further
19 conditions authorized by section 29-2262. This subsection does not
20 preclude a probation officer from imposing administrative sanctions with
21 the probationer's full knowledge and consent as authorized by sections
22 29-2266.01 and 29-2266.02.

23 (4)(a) {4} Upon completion of the term of probation, or the earlier
24 discharge of the probationer, the probationer shall be relieved of any
25 obligations imposed by the order of the court and shall have satisfied
26 the sentence for his or her crime.

27 (b) Upon satisfactory fulfillment of the conditions of probation for
28 the entire period or after discharge from probation prior to the
29 termination of the period of probation, a probation officer shall notify
30 the probationer that the probationer may be eligible to have the
31 conviction set aside as provided in subsection (2) of section 29-2264.

1 The notice shall include an explanation of the requirements for a
2 conviction to be set aside, how to file a petition for a conviction to be
3 set aside, and the effect of and limitations of having a conviction set
4 aside and an advisement that the probationer consult with an attorney
5 prior to filing a petition. The State Court Administrator shall develop
6 standardized advisement language and any forms necessary to carry out
7 this subdivision.

8 (5) Whenever a probationer disappears or leaves the jurisdiction of
9 the court without permission, the time during which he or she keeps his
10 or her whereabouts hidden or remains away from the jurisdiction of the
11 court shall be added to the original term of probation.

12 Sec. 12. Section 29-2269, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-2269 Sections 29-2246 to 29-2269 and sections 13 and 14 of this
15 act shall be known and may be cited as the Nebraska Probation
16 Administration Act.

17 Sec. 13. (1) The probation administrator shall create a pilot
18 program to hire additional assistant probation officers as provided in
19 this section.

20 (2) The pilot program shall be limited to a single probation
21 district.

22 (3) Assistant probation officers hired under this section shall
23 assist probation officers in the supervision of high-risk caseloads.

24 (4) The purpose of the pilot program is to determine whether
25 additional support for probation officers results in probationers
26 completing their terms of probation with fewer violations.

27 (5) On or before June 1, 2024, the probation administrator shall
28 electronically submit a report to the Judiciary Committee of the
29 Legislature regarding the pilot program. The report shall include the
30 total number of persons admitted into the pilot program, including
31 demographic information, criminal history, and top needs according to the

1 results of a risk assessment; conditions of supervision; the total number
2 of violations of supervision conditions; the number of supervision
3 discharges by type of discharge; and recidivism rates.

4 Sec. 14. (1) The probation administrator shall create a pilot
5 program to establish a probationer incentive program as provided in this
6 section.

7 (2) The pilot program shall be limited to a single probation
8 district. Such district shall be chosen by the State Court Administrator.

9 (3) The pilot program shall establish an incentive fund to be used
10 for the purchase of gift cards, vouchers, and other tangible rewards for
11 probationers who are succeeding at probation, in order to encourage
12 continued success and reduce recidivism. The incentives shall be awarded
13 at the discretion of probation officers, subject to policies and
14 guidelines of the office.

15 (4) On or before June 1, 2024, the probation administrator shall
16 electronically submit a report to the Judiciary Committee of the
17 Legislature regarding the pilot program.

18 Sec. 15. Section 29-2281, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-2281 (1) To determine the amount of restitution, the court may
21 hold a hearing at the time of sentencing. The amount of restitution shall
22 be based on the actual damages sustained by the victim and shall be
23 supported by evidence which shall become a part of the court record. The
24 court shall consider the defendant's earning ability, employment status,
25 financial resources, and family or other legal obligations and shall
26 balance such considerations against the obligation to the victim. In
27 considering the earning ability of a defendant who is sentenced to
28 imprisonment, the court may receive evidence of money anticipated to be
29 earned by the defendant during incarceration.

30 (2) A person may not be granted or denied probation or parole either
31 solely or primarily due to his or her financial resources or ability or

1 inability to pay restitution.

2 (3) The court may order that restitution be made immediately, in
3 specified installments, or within a specified period of time not to
4 exceed five years after the date of judgment or defendant's final release
5 date from imprisonment, whichever is later.

6 (4) If, in addition to restitution, a defendant is ordered to pay
7 finances and costs as part of the judgment and the defendant fails to pay
8 the full amount owed, funds shall first be applied to a restitution
9 obligation with the remainder applied towards fines and costs only when
10 the restitution obligation is satisfied in full.

11 (5) Restitution payments shall be made through the clerk of the
12 court ordering restitution. The clerk shall maintain a record of all
13 receipts and disbursements.

14 Sec. 16. Section 29-2315.02, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 29-2315.02 If the application is granted in cases where the court
17 finds a defendant to be indigent, the trial court shall first contact the
18 public defender, in counties with a public defender, to inquire whether
19 or not the public defender is able to accept the appointment appoint a
20 lawyer to argue the case against the prosecuting attorney. If the public
21 defender declines the appointment because of a conflict of interest, the
22 court shall appoint another attorney. An attorney other than the public
23 defender appointed under this section shall file an application for fees
24 and expenses in the court which appointed such attorney for all fees and
25 expenses reasonably necessary to permit such attorney to effectively and
26 competently represent the defendant and to argue the case against the
27 prosecuting attorney. Such fees and expenses shall, which lawyer shall
28 receive for his services a fee not exceeding two hundred dollars, to be
29 fixed by such court, and to be paid out of the treasury of the county in
30 the full amount determined by the court. If the court does not find a
31 defendant indigent and does not appoint the public defender or another

1 attorney, the defendant may be represented by an attorney of the
2 defendant's choice. ~~For such purpose, the court may appoint the~~
3 ~~defendant's attorney, but if he is not appointed the defendant may in any~~
4 ~~event appear and participate through an attorney of his own choice.~~

5 Sec. 17. Section 29-2318, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 29-2318 When a notice is filed in cases where the court finds a
8 defendant to be indigent, the trial court shall first contact the public
9 defender, in counties with a public defender, to inquire whether or not
10 the public defender is able to accept the appointment ~~appoint a lawyer~~ to
11 argue the case against the prosecuting attorney. If the public defender
12 declines the appointment because of a conflict of interest, the court
13 shall appoint another attorney. An attorney other than the public
14 defender appointed under this section shall file an application for fees
15 and expenses in the court which appointed such attorney for all fees and
16 expenses reasonably necessary to permit such attorney to effectively and
17 competently represent the defendant and to argue the case against the
18 prosecuting attorney. Such fees and expenses shall ~~, which lawyer shall~~
19 ~~receive for his or her services a fee not exceeding two hundred dollars~~
20 ~~to be fixed by the court and to be paid out of the treasury of the county~~
21 in the full amount determined by the court. If the court does not find a
22 defendant indigent and does not appoint the public defender or another
23 ~~The court may appoint the defendant's attorney, but if an attorney, is~~
24 ~~not appointed~~ the defendant may be represented by an attorney of the
25 defendant's ~~his or her~~ choice.

26 Sec. 18. Section 29-3001, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 29-3001 (1) A prisoner in custody under sentence and claiming a
29 right to be released on the ground that there was such a denial or
30 infringement of the rights of the prisoner as to render the judgment void
31 or voidable under the Constitution of this state or the Constitution of

1 the United States, may file a verified motion, in the court which imposed
2 such sentence, stating the grounds relied upon and asking the court to
3 vacate or set aside the sentence.

4 (2) Unless the motion and the files and records of the case show to
5 the satisfaction of the court that the prisoner is entitled to no relief,
6 the court shall cause notice thereof to be served on the county attorney,
7 grant a prompt hearing thereon, and determine the issues and make
8 findings of fact and conclusions of law with respect thereto. If the
9 court finds that there was such a denial or infringement of the rights of
10 the prisoner as to render the judgment void or voidable under the
11 Constitution of this state or the Constitution of the United States, the
12 court shall vacate and set aside the judgment and shall discharge the
13 prisoner or resentence the prisoner or grant a new trial as may appear
14 appropriate. Proceedings under the provisions of sections 29-3001 to
15 29-3004 shall be civil in nature. Costs shall be taxed as in habeas
16 corpus cases.

17 (3) A court may entertain and determine such motion without
18 requiring the production of the prisoner, whether or not a hearing is
19 held. Testimony of the prisoner or other witnesses may be offered by
20 deposition. The court need not entertain a second motion or successive
21 motions for similar relief on behalf of the same prisoner.

22 (4) A one-year period of limitation shall apply to the filing of a
23 verified motion for postconviction relief. The one-year limitation period
24 shall run from the later of:

25 (a) The date the judgment of conviction became final by the
26 conclusion of a direct appeal or the expiration of the time for filing a
27 direct appeal;

28 (b) The date on which the factual predicate of the constitutional
29 claim or claims alleged could have been discovered through the exercise
30 of due diligence;

31 (c) The date on which an impediment created by state action, in

1 violation of the Constitution of the United States or the Constitution of
2 Nebraska or any law of this state, is removed, if the prisoner was
3 prevented from filing a verified motion by such state action;

4 (d) The date on which a constitutional claim asserted was initially
5 recognized by the Supreme Court of the United States or the Nebraska
6 Supreme Court, if the newly recognized right has been made applicable
7 retroactively to cases on postconviction collateral review; or

8 (e) The date on which the Supreme Court of the United States denies
9 a writ of certiorari or affirms a conviction appealed from the Nebraska
10 Supreme Court. This subdivision only applies if, within thirty days after
11 petitioning the Supreme Court of the United States for a writ of
12 certiorari, the prisoner files a notice in the district court of
13 conviction stating that the prisoner has filed such petition August 27,
14 2011.

15 Sec. 19. (1) The Nebraska Sentencing Reform Task Force is created.

16 (2) The task force shall identify and recommend changes to
17 Nebraska's criminal justice laws, policies, and practices to improve
18 public safety and more effectively allocate Nebraska's criminal justice
19 system resources.

20 (3) The task force shall consist of the following members:

21 (a) The Governor or the Governor's designee;

22 (b) The Attorney General or the Attorney General's designee;

23 (c) Three members of the Judiciary Committee of the Legislature
24 appointed by the Executive Board of the Legislative Council;

25 (d) Two representatives of law enforcement appointed by the
26 Governor;

27 (e) Two county attorneys appointed by the Governor; and

28 (f) Two criminal defense attorneys with at least ten years'
29 experience appointed by the Governor.

30 (4) The task force shall submit its first report to the Legislature
31 no later than November 15, 2023. The task force shall submit its second

1 report to the Legislature no later than November 15, 2024. The reports
2 shall be submitted electronically to the Clerk of the Legislature.

3 (5) Administrative and staff support for the task force shall be
4 provided by any executive branch staff as directed by the Governor or by
5 staff of the Judiciary Committee of the Legislature as directed by the
6 chairperson of the Judiciary Committee.

7 (6) The task force terminates on December 31, 2024.

8 Sec. 20. Section 38-2136, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 38-2136 No person who is licensed or certified pursuant to the
11 Mental Health Practice Act or who holds a privilege to practice in
12 Nebraska as a professional counselor under the Licensed Professional
13 Counselors Interstate Compact shall disclose any information he or she
14 may have acquired from any person consulting him or her in his or her
15 professional capacity except:

16 (1) With the written consent of the person or, in the case of death
17 or disability, of the person's personal representative, any other person
18 authorized to sue on behalf of the person, or the beneficiary of an
19 insurance policy on the person's life, health, or physical condition.
20 When more than one person in a family receives therapy conjointly, each
21 such family member who is legally competent to execute a waiver shall
22 agree to the waiver referred to in this subdivision. Without such a
23 waiver from each family member legally competent to execute a waiver, a
24 practitioner shall not disclose information received from any family
25 member who received therapy conjointly;

26 (2) As such privilege against disclosure is limited by the laws of
27 the State of Nebraska or as the board may determine by rule and
28 regulation;

29 (3) When the person waives the privilege against disclosure by
30 bringing charges against the licensee; ~~or~~

31 (4) When there is a duty to warn under the limited circumstances set

1 forth in section 38-2137; or -

2 (5) When the disclosure of information is permitted under the Health
3 Insurance Portability and Accountability Act of 1996, Public Law 104-191,
4 or as otherwise permitted by law.

5 Sec. 21. Section 43-279, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-279 (1) The adjudication portion of hearings shall be conducted
8 before the court without a jury, applying the customary rules of evidence
9 in use in trials without a jury. When the petition alleges the juvenile
10 to be within the provisions of subdivision (1), (2), (3)(b), or (4) of
11 section 43-247 and the juvenile or his or her parent, guardian, or
12 custodian appears with or without counsel, the court shall inform the
13 parties:

14 (a) Of the nature of the proceedings and the possible consequences
15 or dispositions pursuant to sections 43-284 to 43-286, 43-289, and 43-290
16 that may apply to the juvenile's case following an adjudication of
17 jurisdiction;

18 (b) Of such juvenile's right to counsel as provided in sections
19 43-272 and 43-273;

20 (c) Of the privilege against self-incrimination by advising the
21 juvenile, parent, guardian, or custodian that the juvenile may remain
22 silent concerning the charges against the juvenile and that anything said
23 may be used against the juvenile;

24 (d) Of the right to confront anyone who testifies against the
25 juvenile and to cross-examine any persons who appear against the
26 juvenile;

27 (e) Of the right of the juvenile to testify and to compel other
28 witnesses to attend and testify in his or her own behalf;

29 (f) Of the right of the juvenile to a speedy adjudication hearing;
30 and

31 (g) Of the right to appeal and have a transcript for such purpose.

1 After giving such warnings and admonitions, the court may accept an
2 in-court admission or answer of no contest by the juvenile of all or any
3 part of the allegations in the petition if the court has determined from
4 examination of the juvenile and those present that such admission or
5 answer of no contest is intelligently, voluntarily, and understandingly
6 made and with an affirmative waiver of rights and that a factual basis
7 for such admission or answer of no contest exists. The waiver of the
8 right to counsel shall satisfy section 43-3102. The court may base its
9 adjudication provided in subsection (2) of this section on such admission
10 or answer of no contest.

11 (2) If the juvenile denies the petition or stands mute the court
12 shall first allow a reasonable time for preparation if needed and then
13 consider only the question of whether the juvenile is a person described
14 by section 43-247. After hearing the evidence on such question, the court
15 shall make a finding and adjudication, to be entered on the records of
16 the court, whether or not the juvenile is a person described by
17 subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof
18 beyond a reasonable doubt. If an Indian child is involved, the standard
19 of proof shall be in compliance with the Nebraska Indian Child Welfare
20 Act, if applicable.

21 (3) If the court shall find that the juvenile named in the petition
22 is not within the provisions of section 43-247, it shall dismiss the
23 case. If the court finds that the juvenile named in the petition is such
24 a juvenile, it shall make and enter its findings and adjudication
25 accordingly, designating which subdivision or subdivisions of section
26 43-247 such juvenile is within; the court shall allow a reasonable time
27 for preparation if needed and then proceed to an inquiry into the proper
28 disposition to be made of such juvenile.

29 Sec. 22. Section 43-280, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-280 No adjudication by the juvenile court upon the status of a

1 juvenile shall be deemed a conviction nor shall the adjudication operate
2 to impose any of the civil disabilities ordinarily resulting from
3 conviction. The adjudication and the evidence given in the court shall
4 not operate to disqualify such juvenile in any future civil or military
5 service application or appointment. Any admission, answer of no contest,
6 confession, or statement made by the juvenile in court and admitted by
7 the court, in a proceeding under section 43-279, shall be inadmissible
8 against such juvenile in any criminal or civil proceeding but may be
9 considered by a court as part of a presentence investigation involving a
10 subsequent transaction.

11 Sec. 23. Section 43-2,108, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 43-2,108 (1) The juvenile court judge shall keep a record of all
14 proceedings of the court in each case, including appearances, findings,
15 orders, decrees, and judgments, and any evidence which he or she feels it
16 is necessary and proper to record. The case file shall contain the
17 complaint or petition and subsequent pleadings. The case file may be
18 maintained as an electronic document through the court's electronic case
19 management system, on microfilm, or in a paper volume and disposed of
20 when determined by the State Records Administrator pursuant to the
21 Records Management Act.

22 (2) Except as provided in subsections (3) and (4) of this section,
23 the medical, psychological, psychiatric, and social welfare reports and
24 the records of juvenile probation officers, as they relate to individual
25 proceedings in the juvenile court, shall not be open to inspection,
26 without order of the court. Such records shall be made available to a
27 district court of this state or the District Court of the United States
28 on the order of a judge thereof for the confidential use of such judge or
29 his or her probation officer as to matters pending before such court but
30 shall not be made available to parties or their counsel; and such
31 district court records shall be made available to a county court or

1 separate juvenile court upon request of the county judge or separate
2 juvenile judge for the confidential use of such judge and his or her
3 probation officer as to matters pending before such court, but shall not
4 be made available by such judge to the parties or their counsel.

5 (3) As used in this section, confidential record information means
6 all docket records, other than the pleadings, orders, decrees, and
7 judgments; case files and records; reports and records of probation
8 officers; and information supplied to the court of jurisdiction in such
9 cases by any individual or any public or private institution, agency,
10 facility, or clinic, which is compiled by, produced by, and in the
11 possession of any court. In all cases under subdivision (3)(a) of section
12 43-247, access to all confidential record information in such cases shall
13 be granted only as follows: (a) The court of jurisdiction may, subject to
14 applicable federal and state regulations, disseminate such confidential
15 record information to any individual, or public or private agency,
16 institution, facility, or clinic which is providing services directly to
17 the juvenile and such juvenile's parents or guardian and his or her
18 immediate family who are the subject of such record information; (b) the
19 court of jurisdiction may disseminate such confidential record
20 information, with the consent of persons who are subjects of such
21 information, or by order of such court after showing of good cause, to
22 any law enforcement agency upon such agency's specific request for such
23 agency's exclusive use in the investigation of any protective service
24 case or investigation of allegations under subdivision (3)(a) of section
25 43-247, regarding the juvenile or such juvenile's immediate family, who
26 are the subject of such investigation; and (c) the court of jurisdiction
27 may disseminate such confidential record information to any court, which
28 has jurisdiction of the juvenile who is the subject of such information
29 upon such court's request.

30 (4) The court shall provide copies of predispositional reports and
31 evaluations of the juvenile to the juvenile's attorney and the county

1 attorney or city attorney prior to any hearing in which the report or
2 evaluation will be relied upon.

3 (5) In all cases under sections 43-246.01 and 43-247, the office of
4 Inspector General of Nebraska Child Welfare may submit a written request
5 to the probation administrator for access to the records of juvenile
6 probation officers in a specific case. Upon a juvenile court order, the
7 records shall be provided to the Inspector General within five days for
8 the exclusive use in an investigation pursuant to the Office of Inspector
9 General of Nebraska Child Welfare Act. Nothing in this subsection shall
10 prevent the notification of death or serious injury of a juvenile to the
11 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
12 as soon as reasonably possible after the Office of Probation
13 Administration learns of such death or serious injury.

14 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
15 court shall disseminate confidential record information to the Foster
16 Care Review Office pursuant to the Foster Care Review Act.

17 (7) Nothing in subsections (3), (5), and (6) of this section shall
18 be construed to restrict the dissemination of confidential record
19 information between any individual or public or private agency,
20 institute, facility, or clinic, except any such confidential record
21 information disseminated by the court of jurisdiction pursuant to this
22 section shall be for the exclusive and private use of those to whom it
23 was released and shall not be disseminated further without order of such
24 court.

25 (8)(a) Any records concerning a juvenile court petition filed
26 pursuant to subdivision (3)(c) of section 43-247 shall remain
27 confidential except as may be provided otherwise by law. Such records
28 shall be accessible to (i) the juvenile except as provided in subdivision
29 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
30 parent or guardian, and (iv) persons authorized by an order of a judge or
31 court.

1 (b) Upon application by the county attorney or by the director of
2 the facility where the juvenile is placed and upon a showing of good
3 cause therefor, a judge of the juvenile court having jurisdiction over
4 the juvenile or of the county where the facility is located may order
5 that the records shall not be made available to the juvenile if, in the
6 judgment of the court, the availability of such records to the juvenile
7 will adversely affect the juvenile's mental state and the treatment
8 thereof.

9 (9) Nothing in subsection (3), (5), or (6) of this section shall be
10 construed to restrict the immediate dissemination of a current picture
11 and information about a child who is missing from a foster care or out-
12 of-home placement. Such dissemination by the Office of Probation
13 Administration shall be authorized by an order of a judge or court. Such
14 information shall be subject to state and federal confidentiality laws
15 and shall not include that the child is in the care, custody, or control
16 of the Department of Health and Human Services or under the supervision
17 of the Office of Probation Administration.

18 (10) Any juvenile court order that places a juvenile on electronic
19 monitoring shall also state whether the data from such electronic
20 monitoring device shall be made available to a law enforcement agency
21 immediately upon request by such agency. For any juvenile subject to the
22 supervision of a probation officer, the name of the juvenile, the name of
23 the juvenile's probation officer, and any terms of probation included in
24 a juvenile court order otherwise open to inspection shall be provided to
25 the Nebraska Commission on Law Enforcement and Criminal Justice which
26 shall provide access to such information to law enforcement agencies
27 through the state's criminal justice information system.

28 Sec. 24. Section 43-1311.03, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 43-1311.03 (1) When a child placed in foster care turns fourteen
31 years of age or enters foster care and is at least fourteen years of age,

1 a written independent living transition proposal shall be developed by
2 the Department of Health and Human Services at the direction and
3 involvement of the child to prepare for the transition from foster care
4 to successful adulthood. Any revision or addition to such proposal shall
5 also be made in consultation with the child. The transition proposal
6 shall be personalized based on the child's needs and shall describe the
7 services needed for the child to transition to a successful adulthood as
8 provided in the Nebraska Strengthening Families Act. The transition
9 proposal shall include, but not be limited to, the following needs and
10 the services needed for the child to transition to a successful adulthood
11 as provided in the Nebraska Strengthening Families Act:

12 (a) Education;

13 (b) Employment services and other workforce support;

14 (c) Health and health care coverage, including the child's potential
15 eligibility for medicaid coverage under the federal Patient Protection
16 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
17 and section existed on January 1, 2013;

18 (d) Behavioral health treatment and support needs and access to such
19 treatment and support;

20 (e) Financial assistance, including education on credit card
21 financing, banking, and other services;

22 (f) Housing;

23 (g) Relationship development and permanent connections;

24 (h) Adult services, if the needs assessment indicates that the child
25 is reasonably likely to need or be eligible for services or other support
26 from the adult services system; and

27 (i) Information, planning, and assistance to obtain a driver's
28 license as allowed under state law and consistent with subdivision (9)(b)
29 (iv) of this section, including, but not limited to, providing the child
30 with a copy of a driver's manual, identifying driver safety courses and
31 resources to access a driver safety course, and identifying potential

1 means by which to access a motor vehicle for such purposes.

2 (2) The transition proposal shall be developed and frequently
3 reviewed by the department in collaboration with the child's transition
4 team. The transition team shall be comprised of the child, the child's
5 caseworker, the child's guardian ad litem, individuals selected by the
6 child, and individuals who have knowledge of services available to the
7 child. As provided in the Nebraska Strengthening Families Act, one of the
8 individuals selected by the child may be designated as the child's
9 advisor and, as necessary, advocate for the child with respect to the
10 application of the reasonable and prudent parent standard and for the
11 child on normalcy activities. The department may reject an individual
12 selected by the child to be a member of the team if the department has
13 good cause to believe the individual would not act in the best interests
14 of the child.

15 (3) The transition proposal shall be considered a working document
16 and shall be, at the least, updated for and reviewed at every permanency
17 or review hearing by the court. The court shall determine whether the
18 transition proposal includes the services needed to assist the child to
19 make the transition from foster care to a successful adulthood.

20 (4) The transition proposal shall document what efforts were made to
21 involve and engage the child in the development of the transition
22 proposal and any revisions or additions to the transition proposal. As
23 provided in the Nebraska Strengthening Families Act, the court shall ask
24 the child, in an age or developmentally appropriate manner, about his or
25 her involvement in the development of the transition proposal and any
26 revisions or additions to such proposal. As provided in the Nebraska
27 Strengthening Families Act, the court shall make a finding as to the
28 child's involvement in the development of the transition proposal and any
29 revisions or additions to such proposal.

30 (5) The final transition proposal prior to the child's leaving
31 foster care shall specifically identify how the need for housing will be

1 addressed.

2 (6) If the child is interested in pursuing higher education, the
3 transition proposal shall provide for the process in applying for any
4 applicable state, federal, or private aid.

5 (7) The department shall provide without cost a copy of any consumer
6 report as defined in 15 U.S.C. 1681a(d), as such section existed on
7 January 1, 2016, pertaining to the child each year until the child is
8 discharged from care and assistance, including when feasible, from the
9 child's guardian ad litem, in interpreting and resolving any inaccuracies
10 in the report as provided in the Nebraska Strengthening Families Act.

11 (8)(a) Any child who is adjudicated to be a juvenile described in
12 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
13 placement or (ii) subdivision (8) of section 43-247 and whose
14 guardianship or state-funded adoption assistance agreement was disrupted
15 or terminated after the child had attained the age of sixteen years,
16 shall receive information regarding the Young Adult Bridge to
17 Independence Act and the bridge to independence program available under
18 the act.

19 (b) The department shall create a clear and developmentally
20 appropriate written notice discussing the rights of eligible young adults
21 to participate in the program. The notice shall include information about
22 eligibility and requirements to participate in the program, the extended
23 services and support that young adults are eligible to receive under the
24 program, and how young adults can be a part of the program. The notice
25 shall also include information about the young adult's right to request a
26 client-directed attorney to represent the young adult pursuant to section
27 43-4510 and the benefits and role of an attorney.

28 (c) The department shall disseminate this information to any child
29 who was adjudicated to be a juvenile described in subdivision (3)(a) of
30 section 43-247 and who is in an out-of-home placement at sixteen years of
31 age and any child who was adjudicated to be a juvenile under subdivision

1 (8) of section 43-247 and whose guardianship or state-funded adoption
2 assistance agreement was disrupted or terminated after the child had
3 attained the age of sixteen years. The department shall disseminate this
4 information to any such child yearly thereafter until such child attains
5 the age of nineteen years and not later than ninety days prior to the
6 child's last court review before attaining nineteen years of age or being
7 discharged from foster care to independent living. In addition to
8 providing the written notice, not later than ninety days prior to the
9 child's last court review before attaining nineteen years of age or being
10 discharged from foster care to independent living, a representative of
11 the department shall explain the information contained in the notice to
12 the child in person and the timeline necessary to avoid a lapse in
13 services and support.

14 (d)(i) On and after January 1, 2025, a child adjudicated to be a
15 juvenile as described in subdivision (1), (2), or (3)(b) of section
16 43-247 and who is in a court-ordered out-of-home placement in the six
17 months prior to attaining nineteen years of age shall receive information
18 regarding the Young Adult Bridge to Independence Act and the bridge to
19 independence program available under the act. The Office of Probation
20 Administration shall identify any such juvenile and provide the juvenile
21 with information regarding the Young Adult Bridge to Independence Act and
22 the bridge to independence program available under the act.

23 (ii) Any party to such juvenile's court case, or the court upon its
24 own motion, may request a hearing in the six months prior to the juvenile
25 attaining nineteen years of age for the court to consider whether it is
26 necessary for the juvenile to remain in the court-ordered out-of-home
27 placement if the requesting party or the court believes it would be
28 contrary to the juvenile's welfare to return to the family home. The
29 following factors may guide the court in finding whether or not return to
30 the family home would be contrary to the juvenile's welfare:

31 (A) Whether the juvenile is disconnected from family support that

1 would assist the juvenile in transitioning to adulthood;

2 (B) Whether the juvenile faces the risk of homelessness upon closure
3 of the juvenile court case; or

4 (C) Whether the Office of Probation Administration has made
5 reasonable efforts to return the juvenile to the family home prior to the
6 juvenile's nineteenth birthday.

7 (iii) The court shall set forth its finding in a written order. If
8 the court finds that return to the family home would be contrary to the
9 juvenile's welfare, the Office of Probation Administration shall notify
10 the Department of Health and Human Services within ten days after such
11 finding is made. As soon as practicable thereafter and prior to the
12 child's nineteenth birthday, a representative of the department shall
13 explain the information contained in the written notice described in this
14 subsection to the juvenile in person and the timeline necessary to avoid
15 a lapse in services and support. If the juvenile remains in a court-
16 ordered out-of-home placement upon attaining nineteen years of age
17 pursuant to a court order as described in section 43-4504, the department
18 shall proceed pursuant to sections 43-4506 and 43-4508.

19 (iv) A juvenile with a current pending motion to revoke probation
20 before the court at the time of the hearing shall not be eligible for the
21 Young Adult Bridge to Independence Act.

22 (9)(a) The department shall provide the child with the documents,
23 information, records, and other materials described in subdivision (9)(b)
24 of this section, (i) if the child is leaving foster care, on or before
25 the date the child reaches eighteen or nineteen years of age or twenty-
26 one years of age if the child participates in the bridge to independence
27 program, and (ii) at the age or as otherwise prescribed in subdivision
28 (9)(b) of this section.

29 (b) The department shall provide the child with:

30 (i) A certified copy of the child's birth certificate and facilitate
31 securing a federal social security card when the child is eligible for

1 such card;

2 (ii) Health insurance information and all documentation required for
3 enrollment in medicaid coverage for former foster care children as
4 available under the federal Patient Protection and Affordable Care Act,
5 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
6 January 1, 2013;

7 (iii) A copy of the child's medical records;

8 (iv) A driver's license or identification card issued by a state in
9 accordance with the requirements of section 202 of the REAL ID Act of
10 2005, as such section existed on January 1, 2016, and when requested by a
11 child fourteen years of age or older, all documents necessary to obtain
12 such license or card;

13 (v) A copy of the child's educational records;

14 (vi) A credit report check;

15 (vii) Contact information, with permission, for family members,
16 including siblings, with whom the child can maintain a safe and
17 appropriate relationship, and other supportive adults;

18 (viii) A list of local community resources, including, but not
19 limited to, support groups, health clinics, mental and behavioral health
20 and substance abuse treatment services and support, pregnancy and
21 parenting resources, and employment and housing agencies;

22 (ix) Written information, including, but not limited to, contact
23 information, for disability resources or benefits that may assist the
24 child as an adult, specifically including information regarding state
25 programs established pursuant to 42 U.S.C. 677, as such section existed
26 on January 1, 2016, and disability benefits, including supplemental
27 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
28 existed on January 1, 2016, or social security disability insurance
29 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
30 the child may be eligible as an adult;

31 (x) An application for public assistance and information on how to

1 access the system to determine public assistance eligibility;

2 (xi) A letter prepared by the department that verifies the child's
3 name and date of birth, dates the child was in foster care, and whether
4 the child was in foster care on his or her eighteenth, nineteenth, or
5 twenty-first birthday and enrolled in medicaid while in foster care;

6 (xii) Written information about the child's Indian heritage or
7 tribal connection, if any; and

8 (xiii) Written information on how to access personal documents in
9 the future.

10 (c) All fees associated with securing the certified copy of the
11 child's birth certificate or obtaining a driver's license or a state
12 identification card shall be waived by the state.

13 (d) The transition proposal shall document that the child was
14 provided all of the documents listed in this subsection. The court shall
15 make a finding as to whether the child has received the documents as part
16 of the independence hearing as provided in subdivision (2)(d) of section
17 43-285.

18 Sec. 25. Section 43-4502, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 43-4502 The purpose of the Young Adult Bridge to Independence Act is
21 to provide support for former state or tribal wards, and for other youth
22 who are exiting state care, who are disconnected from family support, and
23 who are at risk of homelessness, as they transition in transitioning to
24 adulthood, become ~~becoming~~ self-sufficient, and create ~~creating~~ permanent
25 relationships. The bridge to independence program shall at all times
26 recognize and respect the autonomy of the young adult. Nothing in the
27 Young Adult Bridge to Independence Act shall be construed to abrogate any
28 other rights that a person who has attained eighteen or nineteen years of
29 age may have as an adult under state or tribal law.

30 Sec. 26. Section 43-4504, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 43-4504 The bridge to independence program is available, on a
2 voluntary basis, to a young adult:

3 (1) Who has attained the age of eligibility;

4 (2) Who was adjudicated to be a juvenile described in:

5 ~~(a) Subdivision subdivision~~ (3)(a) of section 43-247 or the
6 equivalent under tribal law;

7 ~~(b) Subdivision or who was adjudicated to be a juvenile described in~~
8 ~~subdivision~~ (8) of section 43-247 or the equivalent under tribal law if
9 the young adult's guardianship or state-funded adoption assistance
10 agreement was disrupted or terminated after he or she had attained the
11 age of sixteen years and (i) (a) who, upon attaining the age of
12 eligibility, was in an out-of-home placement or had been discharged to
13 independent living or (ii) (b) with respect to whom a kinship
14 guardianship assistance agreement or an adoption assistance agreement was
15 in effect pursuant to 42 U.S.C. 673 if the young adult had attained
16 sixteen years of age before the agreement became effective or with
17 respect to whom a state-funded guardianship assistance agreement or a
18 state-funded adoption assistance agreement was in effect if the young
19 adult had attained sixteen years of age before the agreement became
20 effective; or

21 (c) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after
22 January 1, 2025, upon one day prior to attaining nineteen years of age or
23 the age of majority under relevant tribal law, was in a court-ordered
24 out-of-home placement and (ii) such placement had been authorized or
25 reauthorized in the six months prior to the juvenile attaining nineteen
26 years of age in a court order finding that it would be contrary to the
27 welfare of the juvenile to remain in or return to the juvenile's family
28 home;

29 (3) Who is:

30 (a) Completing secondary education or an educational program leading
31 to an equivalent credential;

1 (b) Enrolled in an institution which provides postsecondary or
2 vocational education;

3 (c) Employed for at least eighty hours per month;

4 (d) Participating in a program or activity designed to promote
5 employment or remove barriers to employment; or

6 (e) Incapable of doing any of the activities described in
7 subdivisions (3)(a) through (d) of this section due to a medical
8 condition, which incapacity is supported by regularly updated information
9 in the case plan of the young adult;

10 (4) Who is a Nebraska resident, except that this requirement shall
11 not disqualify a young adult who was a Nebraska resident but was placed
12 outside Nebraska pursuant to the Interstate Compact for the Placement of
13 Children; and

14 (5) Who does not meet the level of care for a nursing facility as
15 defined in section 71-424, for a skilled nursing facility as defined in
16 section 71-429, or for an intermediate care facility for persons with
17 developmental disabilities as defined in section 71-421.

18 ~~The changes made to subdivision (2)(b) of this section by Laws 2015,~~
19 ~~LB243, become operative on July 1, 2015.~~

20 Sec. 27. Section 43-4505, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-4505 Extended services and support provided under the bridge to
23 independence program include, but are not limited to:

24 (1) Medical care under the medical assistance program for young
25 adults who meet the eligibility requirements of section 43-4504 and have
26 signed a voluntary services and support agreement as provided in section
27 43-4506;

28 (2) Medical care under the medical assistance program for young
29 adults who meet the eligibility requirements of subdivision (2)(c) of
30 section 43-4504, are eligible for a category of medical assistance
31 pursuant to section 68-915 or other medical assistance category under

1 federal law, and have signed a voluntary services and support agreement
2 as provided in section 43-4506;

3 (3) ~~(2)~~ Housing, placement, and support in the form of foster care
4 maintenance payments which shall remain at least at the rate set
5 immediately prior to the young adult's exit from foster care. As decided
6 by and with the young adult, young adults may reside in a foster family
7 home, a supervised independent living setting, an institution, or a
8 foster care facility. Placement in an institution or a foster care
9 facility should occur only if necessary due to a young adult's
10 developmental level or medical condition. A young adult who is residing
11 in a foster care facility upon leaving foster care may choose to
12 temporarily stay until he or she is able to transition to a more age-
13 appropriate setting. For young adults residing in a supervised
14 independent living setting:

15 (a) The department may send all or part of the foster care
16 maintenance payments directly to the young adult. This should be decided
17 on a case-by-case basis by and with the young adult in a manner that
18 respects the independence of the young adult; and

19 (b) Rules and restrictions regarding housing options should be
20 respectful of the young adult's autonomy and developmental maturity.
21 Specifically, safety assessments of the living arrangements shall be age-
22 appropriate and consistent with federal guidance on a supervised setting
23 in which the individual lives independently. A clean background check
24 shall not be required for an individual residing in the same residence as
25 the young adult; and

26 (4) ~~(3)~~ Case management services that are young-adult driven. Case
27 management shall be a continuation of the independent living transition
28 proposal in section 43-1311.03, including a written description of
29 additional resources that will help the young adult in creating permanent
30 relationships and preparing for the transition to adulthood and
31 independent living. Case management shall include the development of a

1 case plan, developed jointly by the department and the young adult, that
2 includes a description of the identified housing situation or living
3 arrangement, the resources to assist the young adult in the transition
4 from the bridge to independence program to adulthood, and the needs
5 listed in subsection (1) of section 43-1311.03. The case plan shall
6 incorporate the independent living transition proposal in section
7 43-1311.03. A new plan shall be developed for young adults who have no
8 previous independent living transition proposal. Case management shall
9 also include, but not be limited to, documentation that assistance has
10 been offered and provided that would help the young adult meet his or her
11 personal ~~individual~~ goals, if such assistance is appropriate and if the
12 young adult is eligible and consents to receive such assistance. This
13 shall include, but not be limited to, assisting the young adult to:

- 14 (a) Obtain employment or other financial support;
- 15 (b) Obtain a government-issued identification card;
- 16 (c) Open and maintain a bank account;
- 17 (d) Obtain appropriate community resources, including health, mental
18 health, developmental disability, and other disability services and
19 support;
- 20 (e) When appropriate, satisfy any juvenile justice system
21 requirements and assist with sealing the young adult's juvenile court
22 record if the young adult is eligible under section 43-2,108.01;
- 23 (f) Complete secondary education;
- 24 (g) Apply for admission and aid for postsecondary education or
25 vocational courses;
- 26 (h) Obtain the necessary state court findings and then apply for
27 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
28 or apply for other immigration relief that the young adult may be
29 eligible for;
- 30 (i) Create a health care power of attorney, health care proxy, or
31 other similar document recognized under state law, at the young adult's

1 option, pursuant to the federal Patient Protection and Affordable Care
2 Act, Public Law 111-148;

3 (j) Obtain a copy of health and education records of the young
4 adult;

5 (k) Apply for any public benefits or benefits that the young adult
6 ~~he or she~~ may be eligible for or may be due through his or her parents or
7 relatives, including, but not limited to, aid to dependent children,
8 supplemental security income, social security disability insurance,
9 social security survivors benefits, the Special Supplemental Nutrition
10 Program for Women, Infants, and Children, the Supplemental Nutrition
11 Assistance Program, and low-income home energy assistance programs;

12 (l) Maintain relationships with individuals who are important to the
13 young adult, including searching for individuals with whom the young
14 adult has lost contact;

15 (m) Access information about maternal and paternal relatives,
16 including any siblings;

17 (n) Access young adult empowerment opportunities, such as Project
18 Everlast and peer support groups; and

19 (o) Access pregnancy and parenting resources and services.

20 Sec. 28. Section 43-4508, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 43-4508 (1) Within fifteen days after the voluntary services and
23 support agreement is signed, the department shall file a petition with
24 the juvenile court describing the young adult's current situation,
25 including the young adult's name, date of birth, and current address and
26 the reasons why it is in the young adult's best interests to participate
27 in the bridge to independence program. The department shall also provide
28 the juvenile court with a copy of the signed voluntary services and
29 support agreement, a copy of the case plan, and any other information the
30 department or the young adult wants the court to consider.

31 (2) The department shall ensure continuity of care and eligibility

1 by working with a child who wants to participate in the bridge to
2 independence program and, pursuant to section 43-4504, is likely to be
3 eligible to participate in such program immediately following the
4 termination of the juvenile court's jurisdiction pursuant to subdivision
5 (1), (2), (3)(a), or (3)(b) of section 43-247 or subdivision (8) of
6 section 43-247 if the young adult's guardianship or state-funded adoption
7 assistance agreement was disrupted or terminated after he or she had
8 attained the age of sixteen years. The voluntary services and support
9 agreement shall be signed and the petition filed with the court upon the
10 child's nineteenth birthday or within ten days thereafter. There shall be
11 no interruption in the foster care maintenance payment and medical
12 assistance coverage for a child who is eligible and chooses to
13 participate in the bridge to independence program immediately following
14 the termination of the juvenile court's jurisdiction pursuant to
15 subdivision (1), (2), (3)(a), or (3)(b) of section 43-247.

16 (3) The court has the jurisdiction to review the voluntary services
17 and support agreement signed by the department and the young adult under
18 section 43-4506 and to conduct permanency reviews as described in this
19 section. Upon the filing of a petition under subsection (1) of this
20 section, the court shall open a bridge to independence program file for
21 the young adult for the purpose of determining whether continuing in such
22 program is in the young adult's best interests and for the purpose of
23 conducting permanency reviews.

24 (4) The court shall make the best interests determination as
25 described in subsection (3) of this section not later than one hundred
26 eighty days after the young adult and the department enter into the
27 voluntary services and support agreement.

28 (5) The court shall conduct a hearing for permanency review
29 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
30 this section regarding the voluntary services and support agreement at
31 least once per year and may conduct such hearing at additional times, but

1 not more times than is reasonably practicable, at the request of the
2 young adult, the department, or any other party to the proceeding. The
3 court shall make a reasonable effort finding required by subdivision (6)
4 (c) of this section within twelve months after the court makes its best
5 interests determination under subsection (4) of this section. Upon the
6 filing of the petition as provided in subsection (1) of this section or
7 anytime thereafter, the young adult may request, in the voluntary
8 services and support agreement or by other appropriate means, a timeframe
9 in which the young adult prefers to have the permanency review hearing
10 scheduled and the court shall seek to accommodate the request as
11 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
12 may request the appointment of a hearing officer pursuant to section
13 24-230 to conduct permanency review hearings. The department is not
14 required to have legal counsel present at such hearings. The juvenile
15 court shall conduct the permanency reviews in an expedited manner and
16 shall issue findings and orders, if any, as speedily as possible.

17 (6)(a) The primary purpose of the permanency review is to ensure
18 that the bridge to independence program is providing the young adult with
19 the needed services and support to help the young adult move toward
20 permanency and self-sufficiency. This shall include that, in all
21 permanency reviews or hearings regarding the transition of the young
22 adult from foster care to independent living, the court shall consult, in
23 an age-appropriate manner, with the young adult regarding the proposed
24 permanency or transition plan for the young adult. The young adult shall
25 have a clear self-advocacy role in the permanency review in accordance
26 with section 43-4510, and the hearing shall support the active engagement
27 of the young adult in key decisions. Permanency reviews shall be
28 conducted on the record and in an informal manner and, whenever possible,
29 outside of the courtroom.

30 (b) The department shall prepare and present to the juvenile court a
31 report, at the direction of the young adult, addressing progress made in

1 meeting the goals in the case plan, including the independent living
2 transition proposal, and shall propose modifications as necessary to
3 further those goals.

4 (c) The court shall determine whether the bridge to independence
5 program is providing the appropriate services and support as provided in
6 the voluntary services and support agreement to carry out the case plan.
7 The court shall also determine whether reasonable efforts have been made
8 to achieve the permanency goal as set forth in the case plan and the
9 department's report provided under subdivision (6)(b) of this section.
10 The court shall issue specific written findings regarding such reasonable
11 efforts. The court has the authority to determine whether the young adult
12 is receiving the services and support he or she is entitled to receive
13 under the Young Adult Bridge to Independence Act and the department's
14 policies or state or federal law to help the young adult move toward
15 permanency and self-sufficiency. If the court believes that the young
16 adult requires additional services and support to achieve the goals
17 documented in the case plan or under the Young Adult Bridge to
18 Independence Act and the department's policies or state or federal law,
19 the court may make appropriate findings or order the department to take
20 action to ensure that the young adult receives the identified services
21 and support.

22 (7) All pleadings, filings, documents, and reports filed pursuant to
23 this section and subdivision (11) of section 43-247 shall be
24 confidential. The proceedings pursuant to this section and subdivision
25 (11) of section 43-247 shall be confidential unless a young adult
26 provides a written waiver or a verbal waiver in court. Such waiver may be
27 made by the young adult in order to permit the proceedings to be held
28 outside of the courtroom or for any other reason. The Foster Care Review
29 Office shall have access to any and all pleadings, filings, documents,
30 reports, and proceedings necessary to complete its case review process.
31 This section shall not prevent the juvenile court from issuing an order

1 identifying individuals and agencies who shall be allowed to receive
2 otherwise confidential information for legitimate and official purposes
3 as authorized by section 43-3001.

4 Sec. 29. Section 43-4510, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 43-4510 (1) If desired by the young adult, the young adult shall be
7 provided a court-appointed attorney who has received training appropriate
8 to the role. The attorney's representation of the young adult shall be
9 client-directed. The attorney shall protect the young adult's legal
10 rights and vigorously advocate for the young adult's wishes and goals,
11 including assisting the young adult as necessary to ensure that the
12 bridge to independence program is providing the young adult with the
13 services and support required under the Young Adult Bridge to
14 Independence Act. For young adults who were appointed a guardian ad litem
15 or defense counsel before the young adult attained the age of
16 eligibility, the guardian ad litem's or defense counsel's appointment may
17 be continued, with consent from the young adult, but under a client-
18 directed model of representation. Before entering into a voluntary
19 services and support agreement and at least sixty days prior to each
20 permanency and case review, the independence coordinator shall notify the
21 young adult of his or her right to request a client-directed attorney if
22 the young adult would like an attorney to be appointed and shall provide
23 the young adult with a clear and developmentally appropriate written
24 notice regarding the young adult's right to request a client-directed
25 attorney, the benefits and role of such attorney, and the specific steps
26 to take to request that an attorney be appointed if the young adult would
27 like an attorney appointed.

28 (2) The court has discretion to appoint a court appointed special
29 advocate volunteer or continue the appointment of a previously appointed
30 court appointed special advocate volunteer with the consent of the young
31 adult.

1 Sec. 30. Section 43-4511.01, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 43-4511.01 (1)(a) Young adults who are eligible to participate under
4 both extended guardianship assistance as provided in section 43-4511 and
5 the bridge to independence program as provided in subdivision (2)(b)(ii)
6 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

7 (b) Young adults who are eligible to participate under both extended
8 adoption assistance as provided in section 43-4512 and the bridge to
9 independence program as provided in subdivision (2)(b)(ii) ~~(2)(b)~~ of
10 section 43-4504 may choose to participate in either program.

11 (2) The department shall create a clear and developmentally
12 appropriate written notice discussing the rights of young adults who are
13 eligible under both extended guardianship assistance and the bridge to
14 independence program and a notice for young adults who are eligible under
15 both extended adoption assistance and the bridge to independence program.
16 The notice shall explain the benefits and responsibilities and the
17 process to apply. The department shall provide the written notice and
18 make efforts to provide a verbal explanation to a young adult with
19 respect to whom a kinship guardianship assistance agreement or an
20 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
21 the young adult had attained sixteen years of age before the agreement
22 became effective or with respect to whom a state-funded guardianship
23 assistance agreement or state-funded adoption assistance agreement was in
24 effect if the young adult had attained sixteen years of age before the
25 agreement became effective. The department shall provide the notice
26 yearly thereafter until such young adult reaches nineteen years of age
27 and not later than ninety days prior to the young adult attaining
28 nineteen years of age.

29 Sec. 31. Section 43-4514, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 43-4514 (1) The department shall submit an amended state plan

1 amendment by October 1, 2023 ~~15, 2019~~, to seek federal Title IV-E funding
2 under 42 U.S.C. 672 for any newly eligible young adult who was
3 adjudicated to be a juvenile described in subdivision (1), (2), or (3)(b)
4 ~~(8)~~ of section 43-247 and who meets the requirements under ~~if such young~~
5 ~~adult's guardianship or state-funded adoption assistance agreement was~~
6 ~~disrupted or terminated after the young adult had attained the age of~~
7 ~~sixteen years and for any newly eligible young adult with respect to whom~~
8 ~~an adoption assistance agreement was in effect pursuant to 42 U.S.C. 673~~
9 ~~if the child had attained sixteen years of age before the agreement~~
10 ~~became effective or with respect to whom a state-funded adoption~~
11 ~~assistance agreement was in effect if the child had attained sixteen~~
12 ~~years of age before the agreement became effective pursuant to~~
13 subdivision (2)(c) ~~(2)(b)~~ of section 43-4504.

14 (2) The department shall implement the bridge to independence
15 program, extended guardianship assistance described in section 43-4511,
16 and extended adoption assistance described in section 43-4512 in
17 accordance with the federal Fostering Connections to Success and
18 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
19 and in accordance with requirements necessary to obtain federal Title IV-
20 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

21 (3) The department shall adopt and promulgate rules and regulations
22 as needed to carry out this section by July 1, 2024 ~~October 15, 2015~~.

23 (4) All references to the United States Code in the Young Adult
24 Bridge to Independence Act refer to sections of the code as such sections
25 existed on January 1, 2015.

26 Sec. 32. Section 50-434, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 50-434 (1) The Legislature finds that while serious crime in the
29 State of Nebraska has not increased in the past five years, the prison
30 population continues to increase as does the amount spent on correctional
31 issues. The Legislature further finds that a need exists to closely

1 examine the criminal justice system of the State of Nebraska in order to
2 increase public safety while concurrently reducing correctional spending
3 and reinvesting in strategies that decrease crime and strengthen Nebraska
4 communities.

5 (2) It is the intent of the Legislature that the State of Nebraska
6 work cooperatively with the Council of State Governments Justice Center
7 to study and identify innovative solutions and evidence-based practices
8 to develop a data-driven approach to reduce correctional spending and
9 reinvest savings in strategies that can decrease recidivism and increase
10 public safety and for the executive, legislative, and judicial branches
11 of Nebraska state government to work with the Council of State
12 Governments Justice Center in this process.

13 (3) The Committee on Justice Reinvestment Oversight is created as a
14 special legislative committee to maintain continuous oversight of the
15 Nebraska Justice Reinvestment Initiative and related issues.

16 (4) The special legislative committee shall be comprised of five
17 members of the Legislature selected by the Executive Board of the
18 Legislative Council, including the chairperson of the Judiciary Committee
19 of the Legislature who shall serve as chairperson of the special
20 legislative committee.

21 (5) The Committee on Justice Reinvestment Oversight shall monitor
22 and guide analysis and policy development in all aspects of the criminal
23 justice system in Nebraska within the scope of the justice reinvestment
24 initiative, including tracking implementation of evidence-based
25 strategies as established in Laws 2015, LB605, and reviewing policies to
26 improve public safety, reduce recidivism, and reduce spending on
27 corrections in Nebraska. With assistance from the Council of State
28 Governments Justice Center, the committee shall monitor performance and
29 measure outcomes by collecting data from counties and relevant state
30 agencies for analysis and reporting.

31 (6) The committee shall prepare and submit an annual report of its

1 activities and findings and may make recommendations to improve any
2 aspect of the criminal justice system. The committee shall deliver the
3 report to the Governor, the Clerk of the Legislature, and the Chief
4 Justice by September 1 of each year. The report to the clerk shall be
5 delivered electronically.

6 (7) The committee terminates on September 30, 2023.

7 Sec. 33. Section 69-2426, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923
10 ~~Dealers of firearms~~ shall distribute to all firearm purchasers:

11 (a) Information ~~information~~ developed by the Department of Health
12 and Human Services regarding the dangers of leaving loaded firearms
13 unattended around children; and -

14 (b) Information on suicide prevention, including materials that
15 provide evidence-based information aligned with best practices in suicide
16 prevention. Such materials shall include information on the 988 Suicide
17 and Crisis Lifeline or other similar resources. The Nebraska State Patrol
18 shall maintain and publish a list of materials that may be used to comply
19 with this subdivision.

20 (2) There is hereby created the Firearm Information Fund. Private
21 contributions shall be credited by the State Treasurer to such fund for
22 the implementation of the provisions of this section.

23 Sec. 34. Section 69-2432, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 69-2432 (1) The Nebraska State Patrol shall prepare and publish
26 minimum training and safety requirements for and adopt and promulgate
27 rules and regulations governing handgun training and safety courses and
28 handgun training and safety course instructors. Minimum safety and
29 training requirements for a handgun training and safety course shall
30 include, but not be limited to:

31 (a) Knowledge and safe handling of a handgun;

1 (b) Knowledge and safe handling of handgun ammunition;

2 (c) Safe handgun shooting fundamentals;

3 (d) A demonstration of competency with a handgun with respect to the
4 minimum safety and training requirements;

5 (e) Knowledge of federal, state, and local laws pertaining to the
6 purchase, ownership, transportation, and possession of handguns;

7 (f) Knowledge of federal, state, and local laws pertaining to the
8 use of a handgun, including, but not limited to, use of a handgun for
9 self-defense and laws relating to justifiable homicide and the various
10 degrees of assault;

11 (g) Knowledge of ways to avoid a criminal attack and to defuse or
12 control a violent confrontation; ~~and~~

13 (h) Knowledge of proper storage practices for handguns and
14 ammunition, including storage practices which would reduce the
15 possibility of accidental injury to a child; and -

16 (i) Suicide prevention training. Such training shall consist of
17 evidence-based information aligned with best practices in suicide
18 prevention.

19 (2) A person or entity conducting a handgun training and safety
20 course and the course instructors shall be approved by the patrol before
21 operation. The patrol shall issue a certificate evidencing its approval.

22 (3) A certificate of completion of a handgun training and safety
23 course shall be issued by the person or entity conducting a handgun
24 training and safety course to persons successfully completing the course.
25 The certificate of completion shall also include certification from the
26 instructor that the person completing the course does not suffer from a
27 readily discernible physical infirmity that prevents the person from
28 safely handling a handgun.

29 (4) Any fee for participation in a handgun training and safety
30 course is the responsibility of the applicant.

31 Sec. 35. Section 71-1902, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-1902 (1) The department shall adopt and promulgate rules and
3 regulations on requirements for licenses, waivers, variances, and
4 approval of foster family homes taking into consideration the health,
5 safety, well-being, and best interests of the child. An initial
6 assessment of a foster family home shall be completed and shall focus on
7 the safety, protection, and immediate health, educational, developmental,
8 and emotional needs of the child and the willingness and ability of the
9 foster home, relative home, or kinship home to provide a safe, stable,
10 and nurturing environment for a child for whom the department or child-
11 placing agency has assumed responsibility.

12 (2)(a) Except as otherwise provided in this section, no person shall
13 furnish or offer to furnish foster care for one or more children without
14 having in full force and effect a written license issued by the
15 department upon such terms and conditions as may be prescribed by general
16 rules and regulations adopted and promulgated by the department. The
17 terms and conditions for licensure may allow foster family homes to meet
18 licensing standards through variances equivalent to the established
19 standards.

20 (b) The department may issue a time-limited, nonrenewable
21 provisional license to an applicant who is unable to comply with all
22 licensure requirements and standards, is making a good faith effort to
23 comply, and is capable of compliance within the time period stated in the
24 license. The department may issue a time-limited, nonrenewable
25 probationary license to a licensee who agrees to establish compliance
26 with rules and regulations that, when violated, do not present an
27 unreasonable risk to the health, safety, or well-being of the foster
28 children in the care of the applicant.

29 (3) Kinship homes and relative homes are exempt from licensure,
30 however, such homes should make efforts to be licensed if such license
31 will facilitate the permanency plan of the child. The department and

1 child-placing agencies shall, when requested or as part of the child's
2 permanency plan, provide resources for and assistance with licensure,
3 including, but not limited to, information on licensure, waivers for
4 relative homes, kinship-specific and relative-specific foster care
5 training, referral to local service providers and support groups, and
6 funding and resources available to address home safety or other barriers
7 to licensure.

8 (4) Prior to placement in a nonlicensed relative home or kinship
9 home, approval shall be obtained from the department. Requirements for
10 initial approval shall include, but not be limited to, the initial
11 assessment provided for in subsection (1) of this section, a home visit
12 to assure adequate and safe housing, and a criminal background check of
13 all adult residents. Final approval shall include, but not be limited to,
14 requirements as appropriate under section 71-1903. The department or
15 child-placing agency shall provide assistance to an approved relative
16 home or kinship home to support the care, protection, and nurturing of
17 the child. Support may include, but not be limited to, information on
18 licensure, waivers, and variances, kinship-specific and relative-specific
19 foster care training, mental and physical health care, options for
20 funding for needs of the child, and service providers and support groups
21 to address the needs of relative and kinship parents, families, and
22 children.

23 (5) All nonprovisional and nonprobationary licenses issued under
24 sections 71-1901 to 71-1906.01 shall expire two years from the date of
25 issuance and shall be subject to renewal under the same terms and
26 conditions as the original license, except that if a licensee submits a
27 completed renewal application thirty days or more before the license's
28 expiration date, the license shall remain in effect until the department
29 either renews the license or denies the renewal application. No license
30 issued pursuant to this section shall be renewed unless the licensee has
31 completed the required hours of training in foster care in the preceding

1 twelve months as prescribed by the department. A license may be revoked
2 for cause, after notice and hearing, in accordance with rules and
3 regulations adopted and promulgated by the department.

4 (6) A young adult continuing to reside in a foster family home as
5 provided in subdivision (3) ~~(2)~~ of section 43-4505 does not constitute an
6 unrelated adult for the purpose of determining eligibility of the family
7 to be licensed as a foster family home.

8 Sec. 36. Section 71-5661, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-5661 (1) The financial incentives provided by the Rural Health
11 Systems and Professional Incentive Act shall consist of (a) student loans
12 to eligible students for attendance at an eligible school as determined
13 pursuant to section 71-5662, (b) the repayment of qualified educational
14 debts owed by physicians and psychiatrists in an approved medical
15 specialty residency program in Nebraska as determined pursuant to section
16 71-5662, and (c) the repayment of qualified educational debts owed by
17 eligible health professionals as determined pursuant to section 71-5662.
18 Funds for such incentives shall be appropriated from the General Fund to
19 the department for such purposes.

20 (2) The Rural Health Professional Incentive Fund is created. The
21 fund shall be used to carry out the purposes of the act, except that
22 transfers may be made from the fund to the General Fund at the direction
23 of the Legislature. Money credited pursuant to section 71-5670.01 and
24 payments received pursuant to sections 71-5666, 71-5668, and 71-5669.01
25 shall be remitted to the State Treasurer for credit to the Rural Health
26 Professional Incentive Fund. Any money in the fund available for
27 investment shall be invested by the state investment officer pursuant to
28 the Nebraska Capital Expansion Act and the Nebraska State Funds
29 Investment Act.

30 Sec. 37. Section 71-5662, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-5662 (1) To be eligible for a student loan under the Rural Health
2 Systems and Professional Incentive Act, an applicant or a recipient shall
3 be enrolled or accepted for enrollment in an accredited medical or dental
4 education program or physician assistant education program or an approved
5 mental health practice program in Nebraska.

6 (2) To be eligible for the medical resident incentive under the act,
7 an applicant or a recipient shall be enrolled or accepted for enrollment
8 in an approved medical specialty residency program in Nebraska.

9 (3) To be eligible for loan repayment under the act, an applicant or
10 a recipient shall be a pharmacist, a dentist, a physical therapist, an
11 occupational therapist, a mental health practitioner, a psychologist
12 licensed under the requirements of section 38-3114 or the equivalent
13 thereof, a nurse practitioner, a physician assistant, a psychiatrist, or
14 a physician in an approved specialty and shall be licensed to practice in
15 Nebraska, not be enrolled in a residency program, not be practicing under
16 a provisional or temporary license, and enter practice in a designated
17 health profession shortage area in Nebraska.

18 Sec. 38. Section 71-5663, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-5663 (1) The amount of financial assistance provided through
21 student loans pursuant to the Rural Health Systems and Professional
22 Incentive Act shall be limited to thirty thousand dollars for each
23 recipient for each academic year and, except as provided in subdivision
24 (4)(a) of this section, shall not exceed one hundred twenty thousand
25 dollars per medical, dental, or doctorate-level mental health student or
26 thirty thousand dollars per master's level mental health or physician
27 assistant student.

28 (2) The amount of financial assistance provided through the medical
29 resident incentive program pursuant to the act shall be limited to forty
30 thousand dollars for each recipient for each year of residency and,
31 except as provided in subdivision (4)(b) of this section, shall not

1 exceed one hundred twenty thousand dollars.

2 (3) The amount of financial assistance provided by the state through
3 loan repayments pursuant to the act (a) for physicians, psychiatrists,
4 dentists, and psychologists shall be limited to thirty thousand dollars
5 per recipient per year of full-time practice in a designated health
6 profession shortage area and, except as provided in subdivision (4)(c) of
7 this section, shall not exceed ninety thousand dollars per recipient and
8 (b) for physician assistants, nurse practitioners, pharmacists, physical
9 therapists, occupational therapists, and mental health practitioners
10 shall be limited to fifteen thousand dollars per recipient per year of
11 full-time practice in a designated health profession shortage area and,
12 except as provided in subdivision (4)(c) of this section, shall not
13 exceed forty-five thousand dollars per recipient.

14 (4)(a) The total amount of financial assistance provided through
15 student loans for a doctorate-level mental health student or master's
16 level mental health student shall be the full amount of such loans for a
17 person who practices psychiatry, psychology, or mental health practice:

18 (i) For at least five years in a designated health profession
19 shortage area; and

20 (ii) If all or a majority of such practice consists of the treatment
21 of members of the community supervision population.

22 (b) The total amount of financial assistance provided through the
23 medical resident incentive program for a psychiatrist shall be the full
24 amount of such psychiatrist's qualified educational debts if such person
25 practices psychiatry:

26 (i) For at least five years in a designated health profession
27 shortage area; and

28 (ii) If all or a majority of such practice consists of the treatment
29 of members of the community supervision population.

30 (c) The total amount of financial assistance provided through loan
31 repayments pursuant to the act for psychiatrists, psychologists, and

1 mental health practitioners shall be the full amount of such person's
2 qualified educational debts if such person practices psychiatry,
3 psychology, or mental health practice:

4 (i) For at least five years in a designated health profession
5 shortage area; and

6 (ii) If all or a majority of such practice consists of the treatment
7 of members of the community supervision population.

8 (5) For purposes of this section, community supervision population
9 means persons on probation, post-release supervision, and pretrial
10 release.

11 Sec. 39. Section 71-5665, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-5665 The commission shall periodically designate health
14 profession shortage areas within the state for the following professions:
15 Medicine and surgery, psychiatry, physician assistants' practice, nurse
16 practitioners' practice, psychology, and mental health practitioner's
17 practice. The commission shall also periodically designate separate
18 health profession shortage areas for each of the following professions:
19 Pharmacy, dentistry, physical therapy, and occupational therapy. In
20 making such designations the commission shall consider, after
21 consultation with other appropriate agencies concerned with health
22 services and with appropriate professional organizations, among other
23 factors:

24 (1) The latest reliable statistical data available regarding the
25 number of health professionals practicing in an area and the population
26 to be served by such practitioners;

27 (2) Inaccessibility of health care services to residents of an area;

28 (3) Particular local health problems;

29 (4) Age or incapacity of local practitioners rendering services; and

30 (5) Demographic trends in an area both past and future.

31 Sec. 40. Section 71-5666, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-5666 Each student loan recipient shall execute an agreement with
3 the state. Such agreement shall be exempt from the requirements of
4 sections 73-501 to 73-510 and shall include the following terms, as
5 appropriate:

6 (1) The borrower agrees to practice the equivalent of one year of
7 full-time practice of an approved specialty in a designated health
8 profession shortage area in Nebraska for each year of education for which
9 a loan is received, or a longer period as required in subdivision (4)(a)
10 of section 71-5663, and agrees to accept medicaid patients in his or her
11 practice;

12 (2) If the borrower practices an approved specialty in a designated
13 health profession shortage area in Nebraska, the loan shall be forgiven
14 as provided in this section and subdivision (4)(a) of section 71-5663.
15 Practice in a designated area shall commence within three months of the
16 completion of formal education, which may include a period not to exceed
17 five years to complete specialty training in an approved specialty. The
18 commission may approve exceptions to any period required for completion
19 of training upon showing good cause. Loan forgiveness shall occur on a
20 quarterly basis, with completion of the equivalent of three months of
21 full-time practice resulting in the cancellation of one-fourth of the
22 annual loan amount. Part-time practice in a shortage area shall result in
23 a prorated reduction in the cancellation of the loan amount;

24 (3) If the borrower practices an approved specialty in Nebraska but
25 not in a designated health profession shortage area, practices a
26 specialty other than an approved specialty in Nebraska, does not practice
27 the profession for which the loan was given, discontinues practice of the
28 profession for which the loan was given, or practices outside Nebraska,
29 the borrower shall repay one hundred fifty percent of the outstanding
30 loan principal with interest at a rate of eight percent simple interest
31 per year from the date of default. Such repayment shall commence within

1 six months of the completion of formal education, which may include a
2 period not to exceed five years to complete specialty training in an
3 approved specialty, and shall be completed within a period not to exceed
4 twice the number of years for which loans were awarded;

5 (4) If a borrower who is a medical, dental, or doctorate-level
6 mental health student determines during the first or second year of
7 medical, dental, or doctorate-level mental health education that his or
8 her commitment to the loan program cannot be honored, the borrower may
9 repay the outstanding loan principal, plus six percent simple interest
10 per year from the date the loan was granted, prior to graduation from
11 medical or dental school or a mental health practice program without
12 further penalty or obligation. Master's level mental health and physician
13 assistant student loan recipients shall not be eligible for this
14 provision;

15 (5) If the borrower discontinues the course of study for which the
16 loan was granted, the borrower shall repay one hundred percent of the
17 outstanding loan principal. Such repayment shall commence within six
18 months of the date of discontinuation of the course of study and shall be
19 completed within a period of time not to exceed the number of years for
20 which loans were awarded; ~~and~~

21 (6) Any practice or payment obligation incurred by the student loan
22 recipient under the student loan program is canceled in the event of the
23 student loan recipient's total and permanent disability or death; and -

24 (7) For a borrower seeking benefits under subdivision (4)(a) of
25 section 71-5663, the borrower agrees to such other terms as the
26 department deems appropriate.

27 Sec. 41. Section 71-5668, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 71-5668 Each loan repayment recipient shall execute an agreement
30 with the department and a local entity. Such agreement shall be exempt
31 from the requirements of sections 73-501 to 73-510 and shall include, at

1 a minimum, the following terms:

2 (1) The loan repayment recipient agrees to practice his or her
3 profession, and a physician, psychiatrist, dentist, nurse practitioner,
4 or physician assistant also agrees to practice an approved specialty, in
5 a designated health profession shortage area for at least three years, or
6 the period required by subdivision (4)(c) of section 71-5663, and to
7 accept medicaid patients in his or her practice;

8 (2) In consideration of the agreement by the recipient, the State of
9 Nebraska and a local entity within the designated health profession
10 shortage area will provide equal funding for the repayment of the
11 recipient's qualified educational debts except as provided in subdivision
12 (5) of this section, in amounts up to thirty thousand dollars per year
13 per recipient for physicians, psychiatrists, dentists, and psychologists
14 and up to fifteen thousand dollars per year per recipient for physician
15 assistants, nurse practitioners, pharmacists, physical therapists,
16 occupational therapists, and mental health practitioners toward qualified
17 educational debts for up to three years or a longer period as required by
18 subdivision (4)(c) of section 71-5663. The department shall make payments
19 directly to the recipient;

20 (3) If the loan repayment recipient discontinues practice in the
21 shortage area prior to completion of the three-year requirement or the
22 period required by subdivision (4)(c) of section 71-5663, as applicable,
23 the recipient shall repay to the state one hundred fifty percent of the
24 total amount of funds provided to the recipient for loan repayment with
25 interest at a rate of eight percent simple interest per year from the
26 date of default. Upon repayment by the recipient to the department, the
27 department shall reimburse the local entity its share of the funds which
28 shall not be more than the local entity's share paid to the loan
29 repayment recipient;

30 (4) Any practice or payment obligation incurred by the loan
31 repayment recipient under the loan repayment program is canceled in the

1 event of the loan repayment recipient's total and permanent disability or
2 death; ~~and~~

3 (5) For a loan repayment recipient seeking benefits under
4 subdivision (4)(c) of section 71-5663, the recipient agrees to such other
5 terms as the department deems appropriate; and

6 (6) ~~(5)~~ Beginning on July 1, 2022, any agreements entered into by
7 December 31, 2024, shall first use federal funds from the federal
8 American Rescue Plan Act of 2021 for the purposes of repaying qualified
9 educational debts prior to using any state or local funds. Agreements
10 using federal funds from the federal American Rescue Plan Act of 2021
11 shall not require equal funding from a local entity. Any federal funds
12 from the act committed to agreements during this time period shall be
13 used by December 31, 2026.

14 Sec. 42. Section 71-5669.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 71-5669.01 Each medical resident incentive recipient shall execute
17 an agreement with the department. Such agreement shall be exempt from the
18 requirements of sections 73-501 to 73-510 and shall include, at a
19 minimum, the following terms:

20 (1) The medical resident incentive recipient agrees to practice an
21 approved medical specialty the equivalent of one year of full-time
22 practice in a designated health profession shortage area, or for a longer
23 period as required by subdivision (4)(b) of section 71-5663, and to
24 accept medicaid patients in his or her practice;

25 (2) In consideration of the agreement by the medical resident
26 incentive recipient, the State of Nebraska will provide funding for the
27 repayment of the recipient's qualified educational debts, in amounts up
28 to forty thousand dollars per year for up to three years while in an
29 approved medical specialty residency program in Nebraska, or for a longer
30 period as required by subdivision (4)(b) of section 71-5663. The
31 department shall make payments directly to the medical resident incentive

1 recipient;

2 (3) If the medical resident incentive recipient extends his or her
3 residency training but not in an approved specialty, practices an
4 approved specialty in Nebraska but not in a designated health profession
5 shortage area, practices a specialty other than an approved specialty in
6 Nebraska, does not practice the profession for which the loan was given,
7 discontinues practice of the profession for which the loan was given, or
8 practices outside Nebraska, the medical resident incentive recipient
9 shall repay to the state one hundred fifty percent of the outstanding
10 loan principal with interest at a rate of eight percent simple interest
11 per year from the date of default. Such repayment shall commence within
12 six months of the completion or discontinuation of an approved specialty
13 residency training in Nebraska and shall be completed within a period not
14 to exceed twice the number of years for which the medical resident
15 incentive recipient received awards;~~and~~

16 (4) Any practice or payment obligation incurred by the medical
17 resident incentive recipient under the medical resident incentive program
18 is canceled in the event of the medical resident incentive recipient's
19 total and permanent disability or death; ~~and -~~

20 (5) For a medical resident incentive recipient seeking benefits
21 under subdivision (4)(b) of section 71-5663, the recipient agrees to such
22 other terms as the department deems appropriate.

23 Sec. 43. Section 81-1850, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-1850 (1) For purposes of this section:

26 (a) Covered offense means:

27 (i) Murder in the first degree pursuant to section 28-303;

28 (ii) Murder in the second degree pursuant to section 28-304;

29 (iii) Kidnapping pursuant to section 28-313;

30 (iv) Assault in the first degree pursuant to section 28-308;

31 (v) Assault in the second degree pursuant to section 28-309;

- 1 (vi) Sexual assault in the first degree pursuant to section 28-319;
2 (vii) Sexual assault in the second degree pursuant to section
3 28-320;
4 (viii) Sexual assault of a child in the first degree pursuant to
5 section 28-319.01;
6 (ix) Sexual assault of a child in the second or third degree
7 pursuant to section 28-320.01;
8 (x) Stalking pursuant to section 28-311.03; or
9 (xi) An attempt, solicitation, or conspiracy to commit an offense
10 listed in this subdivision (a); and
11 (b) Victim has the same meaning as in section 29-119.
12 (2)(a) Except as provided in subdivision (2)(b) of this section,
13 when a person is convicted of a felony, the county attorney (1) Upon
14 request of the victim and at the time of conviction of the offender, the
15 county attorney of the jurisdiction in which a person is convicted of a
16 felony shall forward the name and address of any victim of such convicted
17 person to the Board of Parole, the Department of Correctional Services,
18 the county corrections agency, or the Department of Health and Human
19 Services, and the Board of Pardons, as applicable the name and address of
20 any victim, as defined in section 29-119, of the convicted person.
21 (b) A victim may waive the right to notification under this section
22 by notifying the county attorney, in which case the county attorney is
23 not required to comply with subdivision (2)(a) of this section.
24 (c) The Board of Parole board, the Department of Correctional
25 Services, the county corrections agency, or the Department of Health and
26 Human Services, and the Board of Pardons shall include the victim's name
27 in the file of the convicted person, but the name shall not be part of
28 the public record of any parole or pardons hearings of the convicted
29 person.
30 (d) Any victim, including a victim who has waived his or her right
31 to notification at the time of conviction, may request the notification

1 prescribed in this section, as applicable, by sending a written request
2 to the Board of Parole ~~board~~, the Department of Correctional Services,
3 the county corrections agency, ~~or~~ the Department of Health and Human
4 Services, or the Board of Pardons any time after the convicted person is
5 incarcerated and until the convicted person is no longer under the
6 jurisdiction of the Board of Parole ~~board~~, the county corrections agency,
7 ~~or~~ the Department of Correctional Services, or the Board of Pardons or,
8 if the convicted person is under the jurisdiction of the Department of
9 Health and Human Services, within the three-year period after the
10 convicted person is no longer under the jurisdiction of the Board of
11 Parole ~~board~~, the county corrections agency, ~~or~~ the Department of
12 Correctional Services, or the Board of Pardons.

13 (3) ~~(2)~~ A victim whose name appears in the file of the convicted
14 person shall be notified by the Board of Parole:

15 (a) Within ninety days after conviction of an offender, of the
16 tentative date of release and the earliest parole eligibility date of
17 such offender;

18 (b) Of any parole hearings or proceedings;

19 (c) Of any decision of the Board of Parole;

20 (d) When a convicted person who is on parole is returned to custody
21 because of parole violations; and

22 (e) If the convicted person has been adjudged a mentally disordered
23 sex offender or is a convicted sex offender, when such convicted person
24 is released from custody or treatment.

25 Such notification shall be given in person, by telecommunication, or
26 by mail.

27 (4) ~~(3)~~ A victim whose name appears in the file of the convicted
28 person shall be notified by the Department of Correctional Services or a
29 county corrections agency:

30 (a) When a convicted person is granted a furlough or release from
31 incarceration for twenty-four hours or longer or any transfer of the

1 convicted person to community status;

2 (b) When a convicted person is released into community-based
3 programs, including educational release and work release programs. Such
4 notification shall occur at the beginning and termination of any such
5 program;

6 (c) When a convicted person escapes or does not return from a
7 granted furlough or release and again when the convicted person is
8 returned into custody;

9 (d) When a convicted person is discharged from custody upon
10 completion of his or her sentence. Such notice shall be given at least
11 thirty days before discharge, when practicable;

12 (e) Of the (i) department's calculation of the earliest parole
13 eligibility date of the prisoner with all potential good time or
14 disciplinary credits considered if the sentence exceeds ninety days or
15 (ii) county corrections agency's calculation of the earliest release date
16 of the prisoner. The victim may request one notice of the calculation
17 described in this subdivision. Such information shall be mailed not later
18 than thirty days after receipt of the request;

19 (f) Of any reduction in the prisoner's minimum sentence; and

20 (g) Of the victim's right to submit a statement as provided in
21 section 81-1848.

22 ~~(5)~~ (4) A victim whose name appears in the file of a convicted
23 person shall be notified by the Department of Health and Human Services:

24 (a) When a person described ~~convicted of an offense listed~~ in
25 subsection ~~(6)~~ (5) of this section becomes the subject of a petition
26 pursuant to the Nebraska Mental Health Commitment Act or the Sex Offender
27 Commitment Act prior to his or her discharge from custody upon the
28 completion of his or her sentence or within thirty days after such
29 discharge. The county attorney who filed the petition shall notify the
30 Department of Correctional Services of such petition. The Department of
31 Correctional Services shall forward the names and addresses of victims

1 appearing in the file of the convicted person to the Department of Health
2 and Human Services; and

3 (b) When a person under a mental health board commitment pursuant to
4 subdivision (a) of this subsection:

5 (i) Escapes escapes from an inpatient facility providing board-
6 ordered treatment and again when the person is returned to an inpatient
7 facility;

8 (ii) Is (c) ~~When a person under a mental health board commitment~~
9 ~~pursuant to subdivision (a) of this subsection is~~ discharged or has a
10 change in disposition from inpatient board-ordered treatment;

11 (iii) Is (d) ~~When a person under a mental health board commitment~~
12 ~~pursuant to subdivision (a) of this subsection is~~ granted a furlough or
13 release for twenty-four hours or longer; and

14 (iv) Is (e) ~~When a person under a mental health board commitment~~
15 ~~pursuant to subdivision (a) of this subsection is~~ released into
16 educational release programs or work release programs. Such notification
17 shall occur at the beginning and termination of any such program.

18 (6) (5) Subsection (5) (4) of this section applies to a person
19 persons convicted of a covered offense ~~at least one of the following~~
20 ~~offenses~~ which is also alleged to be the recent act or threat underlying
21 the commitment of such person ~~persons~~ as mentally ill and dangerous or as
22 a dangerous sex offender ~~offenders~~ as defined in section 83-174.01. ÷

23 (a) ~~Murder in the first degree pursuant to section 28-303;~~

24 (b) ~~Murder in the second degree pursuant to section 28-304;~~

25 (c) ~~Kidnapping pursuant to section 28-313;~~

26 (d) ~~Assault in the first degree pursuant to section 28-308;~~

27 (e) ~~Assault in the second degree pursuant to section 28-309;~~

28 (f) ~~Sexual assault in the first degree pursuant to section 28-319;~~

29 (g) ~~Sexual assault in the second degree pursuant to section 28-320;~~

30 (h) ~~Sexual assault of a child in the first degree pursuant to~~
31 ~~section 28-319.01;~~

1 ~~(i) Sexual assault of a child in the second or third degree pursuant~~
2 ~~to section 28-320.01;~~

3 ~~(j) Stalking pursuant to section 28-311.03; or~~

4 ~~(k) An attempt, solicitation, or conspiracy to commit an offense~~
5 ~~listed in subdivisions (a) through (j) of this subsection.~~

6 (7) (6) A victim whose name appears in the file of a convicted
7 person convicted of a covered offense shall be notified, via certified
8 mail, by the Board of Pardons:

9 (a) Of any pardon or commutation proceedings at least thirty
10 calendar days prior to the proceedings; and

11 (b) If a pardon or commutation has been granted, within ten days
12 after such granting.

13 (8) (7) The Board of Parole, the Department of Correctional
14 Services, the Department of Health and Human Services, and the Board of
15 Pardons shall adopt and promulgate rules and regulations as needed to
16 carry out this section.

17 (9) (8) The victim's address and telephone number maintained by the
18 Department of Correctional Services, the Department of Health and Human
19 Services, the county corrections agency, ~~or~~ the Board of Parole, and the
20 Board of Pardons pursuant to subsection (2) (1) of this section shall be
21 exempt from disclosure under public records laws and federal freedom of
22 information laws, as such laws existed on January 1, 2004.

23 Sec. 44. Section 83-109, Revised Statutes Cumulative Supplement,
24 2022, is amended to read:

25 83-109 (1) The Department of Health and Human Services shall have
26 general control over the admission of patients and residents to all
27 institutions over which it has jurisdiction. Each individual shall be
28 assigned to the institution best adapted to care for him or her.

29 (2) A record of every patient or resident of every institution shall
30 be kept complete from the date of his or her entrance to the date of his
31 or her discharge or death. Such records shall be accessible only (a) to

1 the department, a legislative committee, the Governor, any federal agency
2 requiring medical records to adjudicate claims for federal benefits, and
3 any public or private agency under contract to provide facilities,
4 programs, and patient services, (b) upon order of a judge, court, or
5 mental health board, (c) in accordance with sections 20-161 to 20-166,
6 (d) to the Nebraska State Patrol pursuant to section 69-2409.01, (e) to
7 those portions of the record required to be released to a victim as
8 defined in section 29-119 in order to comply with the victim notification
9 requirements pursuant to subsections ~~(4)~~ and (5) and (6) of section
10 81-1850, (f) to law enforcement and county attorneys when a crime occurs
11 on the premises of an institution, (g) upon request when a patient or
12 resident has been deceased for fifty years or more, (h) to current
13 treatment providers, or (i) to treatment providers for coordination of
14 care related to transfer or discharge. In addition, a patient or resident
15 or his or her legally authorized representative may authorize the
16 specific release of his or her records, or portions thereof, by filing
17 with the department a signed written consent.

18 (3) Transfers of patients or residents from one institution to
19 another shall be within the exclusive jurisdiction of the department and
20 shall be recorded in the office of the department, with the reasons for
21 such transfers.

22 (4) When the department is unable to assign a patient to a regional
23 center or commit him or her to any other institution at the time of
24 application, a record thereof shall be kept and the patient accepted at
25 the earliest practicable date.

26 (5) The superintendents of the regional centers and Beatrice State
27 Developmental Center shall notify the department immediately whenever
28 there is any question regarding the propriety of the commitment,
29 detention, transfer, or placement of any person admitted to a state
30 institution. The department shall then investigate the matter and take
31 such action as shall be proper. Any interested party who is not satisfied

1 with such action may appeal such action, and the appeal shall be in
2 accordance with the Administrative Procedure Act.

3 (6) The department shall have full authority on its own suggestion
4 or upon the application of any interested person to investigate the
5 physical and mental status of any patient or resident of any regional
6 center or the Beatrice State Developmental Center. If upon such
7 investigation the department considers such patient or resident fit to be
8 released from the regional center or Beatrice State Developmental Center,
9 it shall cause such patient or resident to be discharged or released on
10 convalescent leave.

11 Sec. 45. Section 83-173, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 83-173 The Director of Correctional Services shall:

14 (1) Supervise and be responsible for the administration of the
15 Department of Correctional Services;

16 (2) Establish, consolidate, or abolish any administrative
17 subdivision within the department and appoint and remove for cause the
18 heads thereof and delegate appropriate powers and duties to them;

19 (3) Establish and administer policies and programs for the operation
20 of the facilities in the department and for the custody, control, safety,
21 correction, and rehabilitation of persons committed to the department;

22 (4) Appoint and remove the chief executive officer of each facility
23 and delegate appropriate powers and duties to him or her;

24 (5) Appoint and remove employees of the department and delegate
25 appropriate powers and duties to them;

26 (6) Adopt and promulgate rules and regulations for the management,
27 correctional treatment, and rehabilitation of persons committed to the
28 department, the administration of facilities, and the conduct of officers
29 and employees under his or her jurisdiction;

30 (7) Designate the place of confinement of persons committed to the
31 department subject to section 83-176;

1 (8) Establish and administer policies that ensure that complete and
2 up-to-date electronic records are maintained for each person committed to
3 the department and which also ensure privacy protections. Electronic
4 records shall include programming recommendations, program completions,
5 time spent in housing other than general population, and medical records,
6 including mental and behavioral health records;

7 (9) Collect, develop, and maintain statistical information
8 concerning persons committed to the department, sentencing practices, and
9 correctional treatment as may be useful in penological research or in the
10 development of treatment programs;

11 (10) Provide training programs designed to equip employees for duty
12 in the facilities and related services of the department and to raise and
13 maintain the educational standards, ~~and the level of performance,~~ and
14 safety of such employees;

15 (11) Notify law enforcement agencies of upcoming furloughs as
16 required by section 83-173.01;

17 (12) Issue or authorize the issuance of a warrant for the arrest of
18 any person committed to the department who has escaped from the custody
19 of the department; and

20 (13) Exercise all powers and perform all duties necessary and proper
21 in carrying out his or her responsibilities.

22 Sec. 46. Section 83-1,100.02, Revised Statutes Cumulative
23 Supplement, 2022, is amended to read:

24 83-1,100.02 (1) For purposes of this section:

25 (a) Levels of supervision means the determination of the following
26 for each person on parole:

27 (i) Supervision contact requirements, including the frequency,
28 location, methods, and nature of contact with the parole officer;

29 (ii) Substance abuse testing requirements and frequency;

30 (iii) Contact restrictions;

31 (iv) Curfew restrictions;

1 (v) Access to available programs and treatment, with priority given
2 to moderate-risk and high-risk parolees; and

3 (vi) Severity of graduated responses to violations of supervision
4 conditions;~~and~~

5 (b) Responsivity factors means characteristics of a parolee that
6 affect the parolee's ability to respond favorably or unfavorably to any
7 treatment goals; and

8 (c) ~~(b)~~ Risk and needs assessment means an actuarial tool that has
9 been validated in Nebraska to determine the likelihood of the parolee
10 engaging in future criminal behavior.

11 (2) The Division of Parole Supervision shall establish an evidence-
12 based process that utilizes a risk and needs assessment to measure
13 criminal risk factors, ~~and~~ specific individual needs, and responsivity
14 factors.

15 (3) The risk and needs assessment shall be performed at the
16 commencement of the parole term and every six months thereafter by
17 division staff trained and certified in the use of the risk and needs
18 assessment.

19 (4) The validity of the risk and needs assessment shall be tested at
20 least every five years.

21 (5) Based on the results of the risk and needs assessment, the
22 division shall target parolee criminal risk and need factors by focusing
23 sanction, program, and treatment resources on moderate-risk and high-risk
24 parolees.

25 (6) The division shall provide training to its parole officers on
26 (a) use of a risk and needs assessment, (b) risk-based supervision
27 strategies, (c) relationship skills, (d) cognitive behavioral
28 interventions, (e) community-based resources, (f) criminal risk factors,
29 (g) targeting criminal risk factors to reduce recidivism, (h) ~~and~~ proper
30 use of a matrix of administrative sanctions, custodial sanctions, and
31 rewards developed pursuant to section 83-1,119, and (i) addressing

1 ~~responsivity factors. All parole officers employed on August 30, 2015,~~
2 ~~shall complete the training requirements set forth in this subsection on~~
3 ~~or before January 1, 2017. Each parole officer hired on or after August~~
4 ~~30, 2015, shall complete the training requirements set forth in this~~
5 ~~subsection within one year after his or her hire date or September 1,~~
6 ~~2024, whichever is later.~~

7 (7) The division shall provide training for chief parole officers to
8 become trainers so as to ensure long-term and self-sufficient training
9 capacity in the state.

10 Sec. 47. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 83-1,110 (1) Every committed offender shall be eligible for parole
13 upon the earliest of the following:

14 (a) When ~~when~~ the offender has served one-half the minimum term of
15 his or her sentence as provided in sections 83-1,107 and 83-1,108; ~~-~~

16 (b) For a committed offender serving a maximum term of twenty years
17 or less, two years prior to the offender's mandatory discharge date; or

18 (c) For a committed offender serving a maximum term of more than
19 twenty years, when the offender has served eighty percent of the time
20 until the offender's mandatory discharge date.

21 (2) The board shall conduct a parole review not later than sixty
22 days prior to the date a committed offender becomes eligible for parole
23 as provided in this subsection, except that if a committed offender is
24 eligible for parole upon his or her commitment to the department, a
25 parole review shall occur as early as is practical. No such reduction of
26 sentence shall be applied to any sentence imposing a mandatory minimum
27 term.

28 (3)(a) This subsection applies to any ~~(2) Every~~ committed offender
29 sentenced to consecutive terms, whether received at the same time or at
30 any time during the original sentence, ~~shall be eligible for release on~~
31 ~~parole when the offender has served the total of one-half the minimum~~

1 ~~term as provided in sections 83-1,107 and 83-1,108.~~

2 (b) The maximum terms shall be added to compute the new maximum term
3 which, less good time, shall determine the date when discharge from the
4 custody of the state becomes mandatory.

5 (c) The committed offender shall be eligible for release on parole
6 upon the earliest of the following:

7 (i) When the offender has served the total of one-half the minimum
8 term as provided in sections 83-1,107 and 83-1,108;

9 (ii) For a committed offender serving a maximum term of twenty years
10 or less, two years prior to the offender's mandatory discharge date; or

11 (iii) For a committed offender serving a maximum term of more than
12 twenty years, when the offender has served eighty percent of the time
13 until the offender's mandatory discharge date.

14 Sec. 48. (1) A committed offender may be eligible for geriatric
15 parole if the committed offender:

16 (a) Is not serving a sentence for a Class I, IA, or IB felony; is
17 not serving a sentence for an offense that includes as an element sexual
18 contact or sexual penetration; and is not otherwise serving a sentence of
19 life imprisonment;

20 (b) Is seventy-five years of age or older; and

21 (c) Has served at least fifteen years of the sentence for which
22 currently incarcerated.

23 (2) A committed offender may be eligible for geriatric parole in
24 addition to any other parole. The department shall identify committed
25 offenders who may be eligible for geriatric parole.

26 (3) The board shall decide to grant geriatric parole only after a
27 review of the decision guidelines as set forth in the board's rules and
28 regulations and the factors set forth in section 83-1,114.

29 (4) The parole term of a geriatric parolee shall be for the
30 remainder of the parolee's sentence as reduced by any adjustment for good
31 conduct pursuant to the Nebraska Treatment and Corrections Act.

1 (5) The board shall require as a condition of geriatric parole that
2 the parolee wear or use an electronic monitoring device for a period of
3 at least eighteen months. For purposes of this subsection, electronic
4 monitoring device means a device worn by or affixed to a person which is
5 used to track the physical location of such person.

6 Sec. 49. Section 83-1,111, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 83-1,111 (1)(a) (1) A committed offender serving an indeterminate
9 sentence under which he or she may become eligible for parole shall be
10 interviewed and have his or her record reviewed by two or more members of
11 the board ~~Board of Parole~~ or a person designated by the board within
12 sixty days before the expiration of his or her minimum term less any
13 reductions as provided in section 83-1,110.

14 (b) If the committed offender is a qualified offender as defined in
15 section 50 of this act, the committed offender shall enter into a
16 streamlined parole contract as provided in such section.

17 (2) If the committed offender is a qualified offender, the review
18 shall be limited to verifying that the committed offender is a qualified
19 offender and whether the committed offender has already fulfilled the
20 streamlined parole contract. If the committed offender has not yet
21 fulfilled the streamlined parole contract, a subsequent review shall be
22 set for the date the committed offender will fulfill the streamlined
23 parole contract, assuming the committed offender will meet the
24 requirements of subsection (3) of section 50 of this act.

25 (3)(a) This subsection applies if the committed offender is not a
26 qualified offender or has been found at a review under subsection (2) of
27 this section to have not fulfilled the terms of the streamlined parole
28 contract. If, in the opinion of the reviewers, the review indicates the
29 offender is reasonably likely to be granted parole and has a potential
30 parole term of no less than one month, the board ~~Board of Parole~~ shall
31 schedule a public hearing before a majority of its members. At such

1 hearing the offender may present evidence, call witnesses, and be
2 represented by counsel. If, in the opinion of the reviewers, the review
3 indicates the offender should be denied parole, the offender may request
4 an additional review by a majority of the members of the board. A review
5 by the majority of the members of the board may be conducted not more
6 than once annually. Any hearing and review shall be conducted in an
7 informal manner, but a complete record of the proceedings shall be made
8 and preserved.

9 (b) ~~(2)~~ The board shall render its decision regarding the committed
10 offender's release on parole within a reasonable time after the hearing
11 or review. The decision shall be by majority vote of the board. The
12 decision shall be based on the entire record before the board which shall
13 include the opinion of the person who conducted the review. If the board
14 denies parole, written notification listing the reasons for such denial
15 and the recommendations for correcting deficiencies which cause the
16 denial shall be given to the committed offender within thirty days
17 following the hearing.

18 (c) ~~(3)~~ If the board fixes the release date, such date shall be not
19 more than six months from the date of the committed offender's parole
20 hearing or from the date of last reconsideration of his or her case,
21 unless there are special reasons for fixing a later release date.

22 (d) ~~(4)~~ If the board defers the case for later reconsideration, the
23 committed offender shall be afforded a parole review at least once a year
24 until a release date is fixed. The board may order a reconsideration or a
25 rehearing of the case at any time.

26 (4) ~~(5)~~ The release of a committed offender on parole shall not be
27 upon the application of the offender but by the initiative of the board
28 ~~Board of Parole~~. No application for release on parole made by a committed
29 offender or on his or her behalf shall be entertained by the board. This
30 subsection does not prohibit the Director of Correctional Services from
31 recommending to the board that it consider an individual offender for

1 release on parole.

2 Sec. 50. (1) A qualified offender serving a sentence imposed prior
3 to the effective date of this act who has not yet received a review from
4 the board shall, at the review, enter into a streamlined parole contract
5 under this section.

6 (2) A qualified offender serving a sentence imposed on or after the
7 effective date of this act shall, at the qualified offender's first
8 review from the board, enter into a streamlined parole contract under
9 this section.

10 (3) Under a streamlined parole contract, a qualified offender shall
11 be released on parole on the qualified offender's parole eligibility
12 date, without a hearing before the board, if:

13 (a) In the twenty-four-month period prior to the eligibility date,
14 the qualified offender has not committed a Class I offense under the
15 department's disciplinary code; and

16 (b) The qualified offender has completed all diagnostic evaluations
17 provided by the department and any programming or treatment required by
18 the department for substance abuse, sex offenses, and violence reduction.

19 (4) If a qualified offender does not meet the requirements of
20 subsection (3) of this section, the board shall consider the offender's
21 parole eligibility as provided for nonqualified offenders under section
22 83-1,111.

23 (5) For purposes of this section:

24 (a) Qualified offender means a committed offender who is serving an
25 indeterminate sentence under which the committed offender may become
26 eligible for parole and who is not serving a sentence for a violent
27 felony;

28 (b) Serious bodily injury has the same meaning as in section 28-109;

29 (c) Sexual contact and sexual penetration have the same meanings as
30 in section 28-318; and

31 (d) Violent felony means an offense which is a Class IIIA felony or

1 higher which:

2 (i) Includes, as an element of the offense:

3 (A) Sexual contact or sexual penetration;

4 (B) The threat to inflict serious bodily injury or death on another
5 person, the infliction of serious bodily injury on another person, or
6 causing the death of another person; or

7 (C) The use of physical force against another person; or

8 (ii) Consists of attempt, conspiracy, being an accessory to, or
9 aiding and abetting a felony with any of the offenses described in
10 subdivision (5)(d)(i) of this section as the underlying offense.

11 Sec. 51. Section 83-1,114, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 83-1,114 (1) Whenever the board considers the release of a committed
14 offender who is eligible for release on parole, it shall order his or her
15 release unless it is of the opinion that his or her release should be
16 deferred because:

17 (a) There is a substantial risk that he or she will not conform to
18 the conditions of parole;

19 (b) His or her release would depreciate the seriousness of his or
20 her crime or promote disrespect for law;

21 (c) His or her release would have a substantially adverse effect on
22 institutional discipline; or

23 (d) His or her continued correctional treatment, medical care, or
24 vocational or other training in the facility will substantially enhance
25 his or her capacity to lead a law-abiding life when released at a later
26 date.

27 (2) In making its determination regarding a committed offender's
28 release on parole, the board shall give consideration to the ~~its~~ decision
29 guidelines as set forth in its rules and regulations and shall take into
30 account each of the following factors:

31 ~~(a) The offender's personality, including his or her maturity,~~

1 ~~stability, and sense of responsibility and any apparent development in~~
2 ~~his or her personality which may promote or hinder his or her conformity~~
3 ~~to law;~~

4 ~~(a) (b) The adequacy of the offender's parole plan, including~~
5 ~~sufficiency of residence, employment history, and employability;~~

6 ~~(c) The offender's ability and readiness to assume obligations and~~
7 ~~undertake responsibilities;~~

8 ~~(d) The offender's intelligence and training;~~

9 ~~(e) The offender's family status and whether he or she has relatives~~
10 ~~who display an interest in him or her or whether he or she has other~~
11 ~~close and constructive associations in the community;~~

12 ~~(f) The offender's employment history, his or her occupational~~
13 ~~skills, and the stability of his or her past employment;~~

14 ~~(g) The type of residence, neighborhood, or community in which the~~
15 ~~offender plans to live;~~

16 ~~(h) The offender's past use of narcotics or past habitual and~~
17 ~~excessive use of alcohol;~~

18 ~~(i) The offender's mental or physical makeup, including any~~
19 ~~disability or handicap which may affect his or her conformity to law;~~

20 ~~(b) (j) The offender's prior criminal record, including the nature~~
21 ~~and circumstances, dates, and frequency of previous offenses;~~

22 ~~(k) The offender's attitude toward law and authority;~~

23 ~~(l) The offender's conduct in the facility, including particularly~~
24 ~~whether he or she has taken advantage of the opportunities for self-~~
25 ~~improvement, whether he or she has been punished for misconduct within~~
26 ~~six months prior to his or her hearing or reconsideration for parole~~
27 ~~release, whether any reductions of term have been forfeited, and whether~~
28 ~~such reductions have been restored at the time of hearing or~~
29 ~~reconsideration;~~

30 ~~(c) (m) The offender's institutional behavior and attitude during~~
31 ~~any previous experience of probation or parole and how recent such~~

1 ~~experience is;~~

2 (d) The offender's previous experience on parole and how recent such
3 experience is;

4 (e) Whether the offender has completed a ~~(n)~~ The risk and needs
5 assessment completed pursuant to section 83-192; and

6 (f) Any testimony or written statement by a victim as provided in
7 section 81-1848.

8 ~~(o) Any other factors the board determines to be relevant.~~

9 Sec. 52. Section 83-1,122.01, Revised Statutes Cumulative
10 Supplement, 2022, is amended to read:

11 83-1,122.01 (1) Except as provided in subsection (3) of this
12 section, the board does not have jurisdiction over a person who is
13 committed to the department in accordance with section 29-2204.02 for a
14 Class III, IIIA, or IV felony committed on or after August 30, 2015,
15 unless the person is also committed to the department in accordance with
16 section 29-2204 for (a) a sentence of imprisonment for a Class III, IIIA,
17 or IV felony committed prior to August 30, 2015, or (b) a sentence of
18 imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony.

19 (2) Except as provided in subsection (3) of this section, the board
20 does not have jurisdiction over a person committed to the department for
21 a misdemeanor sentence imposed consecutively or concurrently with a Class
22 III, IIIA, or IV felony sentence for an offense committed on or after
23 August 30, 2015, unless the person is also committed to the department in
24 accordance with section 29-2204 for (a) a sentence of imprisonment for a
25 Class III, IIIA, or IV felony committed prior to August 30, 2015, or (b)
26 a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA
27 felony.

28 (3) This section does not apply to medical parole under section
29 83-1,110.02 or geriatric parole under section 48 of this act.

30 Sec. 53. Section 83-1,125.01, Revised Statutes Cumulative
31 Supplement, 2022, is amended to read:

1 83-1,125.01 (1) The Board of Parole and the Division of Parole
2 Supervision may maintain an individual file for each person who is under
3 the jurisdiction of the Board of Parole. Such file may be maintained
4 electronically and shall include, when available and appropriate, the
5 following information on such person:

- 6 (a) Admission summary;
- 7 (b) Presentence investigation report;
- 8 (c) Classification reports and recommendations;
- 9 (d) Official records of conviction and commitment along with any
10 earlier criminal records;
- 11 (e) Progress reports and admission-orientation reports;
- 12 (f) Reports of any disciplinary infractions and their disposition;
- 13 (g) Risk and needs assessments;
- 14 (h) Parole plan and parole placement and investigation worksheets;
- 15 (i) Decision guideline scores;
- 16 (j) Parole case plan;
- 17 (k) Parole progress reports and contact notes;
- 18 (l) Arrest and violation reports, including disposition;
- 19 (m) Parole proceedings orders and notices;
- 20 (n) Other documents related to parole supervision;
- 21 (o) Correspondence; and
- 22 (p) Other pertinent data concerning his or her background, conduct,
23 associations, and family relationships.

24 (2) Any decision concerning release on or revocation of parole or
25 imposition of sanctions shall be made only after the individual file has
26 been reviewed. The contents of the individual file shall be confidential
27 unless disclosed in connection with a public hearing and shall not be
28 subject to public inspection except by court order for good cause shown.
29 The contents of the file shall not be accessible to any person under the
30 jurisdiction of the Board of Parole. A person under the jurisdiction of
31 the board may obtain access to his or her medical records by request to

1 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
2 fact that such medical records may be a part of his or her parole file.
3 The board and the Division of Parole Supervision have the authority to
4 withhold decision guideline scores, risk and needs assessment scores, and
5 mental health and psychological records of a person under the
6 jurisdiction of the board when appropriate.

7 (3) Nothing in this section limits in any manner the authority of
8 the Public Counsel to inspect and examine the records and documents of
9 the board and the Division of Parole Supervision pursuant to sections
10 81-8,240 to 81-8,254, except that the Public Counsel's access to the
11 medical or mental health records of a person under the jurisdiction of
12 the board shall be subject to his or her consent. The office of Public
13 Counsel shall not disclose the medical or mental health records of a
14 person under the jurisdiction of the board to anyone else, including any
15 other person under the jurisdiction of the board, except as authorized by
16 law.

17 (4) For any person under the jurisdiction of the Board of Parole,
18 the board shall provide such person's (a) name, (b) parole officer, and
19 (c) conditions of parole to the Nebraska Commission on Law Enforcement
20 and Criminal Justice which shall provide access to such information to
21 law enforcement agencies through the state's criminal justice information
22 system.

23 Sec. 54. Section 83-1,127, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-1,127 The Board of Pardons shall:

26 (1) Exercise the pardon authority as defined in section 83-170 for
27 all criminal offenses except treason and cases of impeachment;

28 (2) Adopt and promulgate Make rules and regulations for its own
29 administration and operation;

30 (3) Appoint and remove its employees as prescribed by the State
31 Personnel System and delegate appropriate powers and duties to them;

1 (4) Consult with the Board of Parole concerning applications for the
2 exercise of pardon authority;

3 (5) Consult with the Department of Motor Vehicles concerning
4 applications received from the department pursuant to section 60-6,209
5 for the exercise of pardon authority; and

6 (6) Exercise all powers and perform all duties necessary and proper
7 in carrying out its responsibilities under the provisions of the Nebraska
8 Treatment and Corrections Act.

9 Sec. 55. (1) The Division of Parole Supervision and the department
10 shall create a pilot program to establish a technical parole violation
11 residential housing program. The purpose of the program is to provide
12 accountability and intensive support for individuals on parole who commit
13 technical violations, without revoking them fully back to prison.

14 (2) The program shall provide a structured environment for selected
15 individuals on parole who have committed technical violations. The
16 program shall be based upon a therapeutic community model. Participants
17 in the program shall, at a minimum, be required to take part in
18 counseling, educational, and other programs as the department deems
19 appropriate, to provide community service, and to submit to drug and
20 alcohol screening.

21 (3) An individual on parole shall not be placed in the pilot program
22 until the Division of Parole Supervision has determined the individual is
23 a suitable candidate in accordance with policies and guidelines developed
24 by the division.

25 (4) On or before June 1, 2024, the Division of Parole Supervision
26 shall electronically submit a report to the Judiciary Committee of the
27 Legislature regarding the pilot program. The report shall evaluate
28 effects of the pilot program on recidivism and make recommendations
29 regarding expansion of or changes to the program.

30 (5) For purposes of this section, technical violation has the same
31 meaning as in section 83-1,119.

1 Sec. 56. Section 83-1,135, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 83-1,135 Sections 83-170 to 83-1,135.05 and sections 48, 50, and 55
4 of this act shall be known and may be cited as the Nebraska Treatment and
5 Corrections Act.

6 Sec. 57. Section 83-1,135.02, Revised Statutes Cumulative
7 Supplement, 2022, is amended to read:

8 83-1,135.02 (1) It is the intent of the Legislature that the changes
9 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
10 with respect to parole eligibility apply to all committed offenders under
11 sentence and not on parole on May 24, 2003, and to all persons sentenced
12 on and after such date.

13 (2) It is the intent of the Legislature that the changes made to
14 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
15 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
16 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
17 sentence, on parole, or on probation on August 30, 2015, and to all
18 persons sentenced on and after such date.

19 (3) It is the intent of the Legislature that the changes made to
20 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
21 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
22 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
23 apply to all committed offenders under sentence, on parole, or on
24 probation on or after April 20, 2016, and to all persons sentenced on and
25 after such date.

26 (4) It is the intent of the Legislature that the changes made to
27 sections 83-1,110.02 and 83-1,122.01 by Laws 2018, LB841, apply to all
28 committed offenders under sentence or on parole on or after July 19,
29 2018, and to all persons sentenced on and after such date.

30 (5) Except as otherwise provided in section 50 of this act, it is
31 the intent of the Legislature that the changes made to sections

1 83-1,100.02, 83-1,110, 83-1,111, and 83-1,114 and sections 48, 50, and 55
2 of this act by this legislative bill apply to all committed offenders
3 under sentence or on parole on or after the effective date of this act,
4 and to all persons sentenced on and after such date.

5 Sec. 58. The Department of Correctional Services shall provide each
6 correctional officer, as part of the standard uniform, with a protective
7 vest designed to protect against edged weapons and stabbings. Each such
8 vest shall be fitted to the officer.

9 Sec. 59. Original sections 24-1302, 27-902, 28-518, 29-2221,
10 29-2263, 29-2269, 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280,
11 43-4505, 50-434, 69-2426, 69-2432, 71-1902, 71-5661, 71-5662, 71-5663,
12 71-5665, 71-5666, 71-5669.01, 81-1850, 83-1,110, and 83-1,127, Reissue
13 Revised Statutes of Nebraska, and sections 27-803, 28-470, 29-2252,
14 29-2261, 29-2262, 38-2136, 43-2,108, 43-1311.03, 43-4502, 43-4504,
15 43-4508, 43-4510, 43-4511.01, 43-4514, 71-5668, 83-109, 83-173,
16 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01, 83-1,135, and
17 83-1,135.02, Revised Statutes Cumulative Supplement, 2022, are repealed.